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REPORT

OF THE

SEVENTEENTH ANNUAL

✓ LAKE MOHONK CONFERENCE

ON

INTERNATIONAL ARBITRATION

MAY 24th, 25th AND 26th

1911

REPORTED BY MISS LILIAN D. POWERS

EDITED BY THE SECRETARY

PUBLISHED BY THE
LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION
1911

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PREFACE

The Lake Mohonk Conference on International Arbitration was founded in 1895 for the purpose of creating and directing public sentiment in favor of international arbitration, arbitration treaties and an international court. To this end it works through annual and representative assemblies, the members of each being entertained by Mr. Albert K. Smiley at his summer home at Mohonk Lake, about one hundred miles from New York City. In addition, Mr. Smiley and his brother, Mr. Daniel Smiley, maintain a permanent office in charge of the secretary, through which the annual conferences are arranged and a continuous correspondence conducted.

The Conference is greatly aided, not only by those who attend its sessions, but also by the official co-operation of about 175 leading Chambers of Commerce and like bodies throughout the United States and Canada and of a large and widely scattered body of "Correspondents." More than 300 American universities and colleges have co-operated so cordially in giving increased attention to international arbitration that the Conference feels that these institutions and existing peace agencies may now be relied on for adequate work in this important field to which, since 1905, it has given close attention.

The Seventeenth Annual Meeting of the Conference was held in the parlor of the Lake Mohonk Mountain House, May 24, 25 and 26, 1911, with more than three hundred persons in attendance. Six sessions were held, the proceedings of which—consisting of discussions of the present status of international arbitration, of an international court, of the education of public opinion, and of other allied subjects—are given, nearly in full, in this report. The attitude of the Conference on various questions discussed is shown by the Platform and Supplementary Resolutions (p. 8).

The management of the Conference, while providing opportunity for free discussion of matters not foreign to the purpose of the meeting, assumes no responsibility for individual opinions printed herein.

One copy of this report is sent to each member or official correspondent of the Conference, and several thousand copies are mailed to individuals in public and private life, to libraries and to other institutions. Distribution of reports is gratuitous to the limit of the edition, and libraries and public institutions can obtain back numbers without charge except for transportation. Applications for reports, and other correspondence, should be addressed to the Secretary of the Conference.

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PLATFORM

OF THE

SEVENTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION, 1911

(The platform is the official utterance of the Conference and embodies only those principles on which the members unanimously agreed.—Ed.)

The Seventeenth Annual Lake Mohonk Conference on International Arbitration expresses its profound satisfaction in the impressive advances of the past year, so signal as to make the year the most memorable in the history of international progress in the United States.

The President of the United States, in his declaration favoring the reference to arbitration of every difference not settled by regular diplomacy, and in negotiating with Great Britain and France general arbitration treaties without reserve, has taken the highest and most advanced position. We call upon our people for such earnest co-operation and expression of public opinion as shall ensure the execution of these treaties in such form that they shall not fall short in any degree of the public declarations of President Taft and of the just expectations that those declarations have aroused on both sides of the Atlantic; and we urge the offer of similar treaties to all nations ready to conclude them with us.

The efforts of our Secretary of State to secure the organization of the International Court of Arbitral Justice have during the year advanced so far as to promise the complete success of that effort before the meeting of the third Hague Conference.* We urge the unremitting reinforcement by our people of the endeavor for the perfecting of this supreme provision for the administration of international justice, recognizing that it is only through the complete establishment of the system of law that the system of war will come to an end.

The Congress of the United States has by unanimous vote authorized the President to create a commission to consider the pressing problem of the limitation of the burdensome arma-

* See announcement, p. 15.

ments of the world.* We record our gratitude and satisfaction at this resolution of Congress in behalf of independent American action, and trust that the early creation of this commission will place the nation in as pronounced leadership in dealing with this momentous issue as that taken by the President in behalf of unreserved arbitration. We believe that resolute initiative on our part will win the practical co-operation of other powers and promote more definite and hopeful effort in behalf of the steady decrease of the machinery for the settlement of disputes by force corresponding to the present steady development of the instrumentalities for their settlement by justice.

We call attention to the fact that the time for the creation of the international committee† for preparing the program of the third Hague Conference is only two years distant; and we ask for such early and careful thought upon this critical work as shall ensure for the next conference the most intelligent preparation, the most constructive activities and the largest results. The nations are confronted by the serious needs of

* "Congress at its last session passed a law providing for the appointment of a commission of five members 'to be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.'

"I have not as yet made appointments to this commission because I have invited and am awaiting the expressions of foreign governments as to their willingness to co-operate with us in the appointment of similar commissions or representatives who would meet with our commissioners and by joint action seek to make their work effective."—From President Taft's Message to Congress, December, 1910.

† " * * the (second Hague) conference considers that it would be very desirable that, some two years before the probable date of the (third) meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself."—From Acts of Second Hague Conference, 1907.

international provision for the immunity of ocean commerce in time of war; for prohibiting money loans to belligerent nations by neutral peoples; and for prohibiting betimes aerial warfare. To the full consideration of these and other imperative concerns in the period preceding the meeting of the conference we earnestly urge all friends of international progress.

We welcome and endorse the proposal* recently submitted to Congress for a joint agreement by the nations of North and South America that in case of war between any of them no taking of territory from one by another shall be permitted as a result. Such an agreement has been made by all the nations bordering upon the North and Baltic Seas; and we urge the speedy American following of this enlightened European example.

We earnestly commend to our people, while working for the establishment of general international relations upon a just and stable basis, the strengthening of a public sentiment which shall ensure at all times the most faithful and complete discharge of our own duties to every nation.

This conference, distinguished by the inspiring presence of so many of our fellow workers from England and Canada, holds its sessions on the eve of the coronation of King George V. On this auspicious occasion we express our grateful appreciation of the enthusiastic response of the English government and people to the arbitration proposals of President Taft, and our high hope that the reign which has now opened may be yet more memorable than that of Edward the Peacemaker in the service of international justice and fraternity. We urge such comprehensive plans for the coming celebration of the centennial of peace between Great Britain and the United States as shall make that commemoration a notable landmark in progress not only for these two nations but for the great family of nations.

We gratefully recognize that in the recent munificent provisions for the promotion of peace by Andrew Carnegie and Edwin Ginn, larger contributions for our cause have been made in the United States during the past year than in all the world during the whole preceding history of the movement. We hail

* House Joint Resolution 278, 61st Congress, 3d Session, introduced by Hon. James L. Slayden of Texas, Jan. 25, 1911; favorably reported (Report No. 2057) by the Committee on Foreign Affairs of the House, Feb. 3, 1911.

this generosity as evidence of the new determination of strong men to cope at last with the evils of war in a manner commensurate with their gravity; and we express the hope and confidence that these larger provisions will stir such emulation and new devotion among our people and among all peoples as shall advance with vastly greater efficiency and rapidity the commanding interests to which the Mohonk Arbitration Conferences have for these sixteen years been devoted.

SUPPLEMENTARY RESOLUTIONS ADOPTED BY THE CONFERENCE

RESOLUTION CREATING A NATIONAL COUNCIL FOR ARBITRATION AND PEACE

Whereas, The Lake Mohonk Conference on International Arbitration, through its Committee, has been giving careful consideration for the past two years to the question of establishing a National Council for Arbitration and Peace, and

Whereas, The Third National Peace Congress, acting upon the suggestion of the President of the United States, at its opening session, for closer co-operation between the peace and arbitration societies of America, proceeded to create a committee with powers to organize itself into a national council for such purpose; therefore, be it

Resolved, That the Lake Mohonk Conference welcomes the action of the Third National Peace Congress and invites its committee to unite with the Conference in constituting a "National Council for Arbitration and Peace" as follows:

The Council shall be composed of the following members: President Nicholas Murray Butler, Hon. William J. Bryan, Hon. Theodore E. Burton, Dr. Samuel T. Dutton, Hamilton Holt, Esq., Dr. George W. Kirchwey, Theodore Marburg, Esq., Edwin D. Mead, Esq., Hon. Elihu Root, Dr. James Brown Scott, Daniel Smiley, Esq., Dr. Benjamin F. Trueblood, President E. D. Warfield, Miss Jane Addams and Mrs. Fannie Fern Andrews—and shall have power to add to its numbers by inviting the leading peace and arbitration societies of the country to nominate members of the council, and to fill any vacancies that may occur in its membership. Such Council shall further have power to adopt a constitution and by-laws for its government and administration, and to incorporate if it shall see fit to do so.

The purpose of the Council shall be to promote a more effective organization and direction of all agencies in the United States working for international peace and good will, and to conduce in every proper way to secure co-operation and concentration of effort on the part of the peace workers of the country, without, however, impairing the autonomy or independence of any society,

association, conference or congress now existing or that may hereafter be created or assuming to exercise any authority or control over them.

This purpose it shall aim to achieve:

First: By furnishing a clearing house of information respecting the activities, progress and plans of the societies and other agencies represented, as well as a bureau of information regarding the peace movement in general in this country and abroad.

Second: By making a careful study of the field and of the aims and methods of the several organizations represented, with the view of marking out their respective spheres of activity and of advising them as to the means best adapted to make their work effective. In this way it is hoped to avoid the waste resulting from overlapping, duplication of effort and conflict of aims.

Third: By seeking—in co-operation with the various organizations represented in the Council—by all proper means to influence federal and state action in the direction of international peace and good will, and, wherever practicable, by enlisting the co-operation of the established agencies working for peace in foreign countries to secure the same result.

Fourth: By co-operating with the executive committee of the American Peace Congress in calling the periodic meetings of the Congress and by calling other conferences from time to time to discuss the state and tendencies of the movement for international arbitration and peace and to confer on proposals for its extension and direction.

Fifth: By performing any other service within the general lines of its activity that may be referred to it by the Lake Mohonk Conference or any other of the recognized peace agencies of the United States.

RESOLUTION CONCERNING PROTECTION OF ALIENS IN THE UNITED STATES

Whereas, The protection of its citizens residing or traveling in foreign countries is one of the first and most imperative duties of every state, and

Whereas, The failure of a government to afford the equal protection of its laws to foreigners living or traveling within its

boundaries is a frequent and serious cause of international differences, and

Whereas, The United States insists that other nations, without reference to their constitutions and internal organization, accept and meet responsibility for the unlawful acts of all political divisions or provinces which affect injuriously citizens of the United States and their property situated within such foreign nations, and

Whereas, Our federal form of government and the diversity of laws and of judicial administration in the several states of the Union renders us peculiarly susceptible of abuses from which such international differences may arise; therefore, be it

Resolved, That, in the opinion of this Conference, it is the duty of the federal government to assure the protection of all aliens within the territory of the United States and to secure to them so far as may be possible the rights to which they are entitled by treaty or otherwise, and further

Resolved, That the committee of this conference appointed May 20, 1910, to report to this Conference in 1911, as to the best method of carrying into effect the recommendation of successive Presidents of the United States that the United States government be vested with the power to execute through appropriate action in the federal courts its treaty obligations, and, generally, to furnish adequate protection to alien residents in the United States, be continued and is hereby instructed to use every proper effort to secure the speedy enactment by Congress of legislation vesting in the Courts of the United States adequate jurisdiction for the said purpose.

RESOLUTION CONCERNING AERIAL WARFARE

Whereas, The rapid progress which is being made in the art of aviation renders it probable that airships will soon become adapted to the purposes of warfare, and

Whereas, The portentous increase of armaments on land and sea is a growing menace to the peace and well-being of the civilized world; therefore be it

Resolved, That this Conference deplores the prospect of the exploitation of the upper air for the inhuman purposes of war and the consequent enlargement of the field for the insensate rivalry of the nations in warlike expenditure, and appeals to

the President of the United States to use his best efforts by diplomatic means to bring about an international agreement among the nations of the earth binding them to refrain from extending their system of warfare to the free and peaceful highways of the air.

STATEMENT AUTHORIZED BY
HON. PHILANDER C. KNOX, Secretary of State
REGARDING THE
INTERNATIONAL COURT OF ARBITRAL JUSTICE

“At this Conference one year ago, the Secretary of State authorized the announcement that he had reason to believe that the International Court of Arbitral Justice would be instituted before the time set for the meeting of the third Hague Conference. It is now possible to say, again with the knowledge and approval of the Secretary of State, that the progress made during the past year has been so marked that in all likelihood such a court, created by general agreement, will be erected at The Hague even earlier than seemed probable a year ago.”—
From opening address of President Nicholas Murray Butler at Lake Mohonk Conference, May 24, 1911.

THE SEVENTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

First Session

Wednesday Morning, May 24, 1911

The Seventeenth Annual Lake Mohonk Conference on International Arbitration met in the parlor of the Lake Mohonk House, Mohonk Lake, N. Y., on the 24th of May, 1911, at ten o'clock in the morning. More than three hundred persons were present as the personal guests of Mr. Albert K. Smiley, who, in welcoming them, said:

SOME EVENTS OF THE PAST YEAR

OPENING REMARKS OF MR. ALBERT K. SMILEY

Sixteen years ago, with much difficulty, we brought together here about fifty persons to discuss international arbitration. This morning, words are not adequate to express to you the happiness I feel in being able to welcome to our seventeenth annual meeting this distinguished company assembled for the same purpose but under what different conditions! In the sixteen years arbitration has grown from a little used agency to the greatest influence for world peace and the forerunner of that to which we all look for the ultimate maintenance of that peace—a real international court, no longer a dream but almost in sight. The dreamer of sixteen years ago is the practical man of to-day.

I said here last year that the growth of international understanding and good will during the first decade of this century had been marvelous. I now say that the year since our last meeting has been even more marvelous in its events and in its hope for the future; and while mine is not the office of historian, I cannot help noticing a few of these significant developments.

Some of us who are no longer young remember almost from childhood fruitless diplomatic efforts to adjust the conflicting claims of Great Britain and this country with reference to the North Atlantic (or Newfoundland) fisheries. The question baffled diplomacy for nearly a century. Yet last September it was settled amicably, and without causing a ripple in the diplomatic world, by the Permanent Court of Arbitration at The

Hague. The very next month our last great outstanding difficulty with Venezuela—the Orinoco Steamship Company case*—was settled by the same Court. Four months later the delicate Savarkar dispute† between Great Britain and France was the subject of the Court's award. Even now it has under consideration a question‡ of war claims which has been troubling Russia and Turkey for thirty-three years; and before the end of the present year it will probably have passed upon a financial dispute between Italy and Peru. Surely this is not a bad year's work for an institution whose defects we admit and of whose continued life we were not so certain a few years ago. What a promise of success for a real international court of justice when it comes!

It is a matter of some local pride that the United States has been a party to two of the Hague arbitrations just cited, and that outside the Court it is a party to the Alsop arbitration§ with Chile and the Chamizal¶ arbitration with Mexico.

The work of boundary commissions has always been akin to arbitration. It is, therefore, interesting to note that the year has seen definite plans to clear up finally all remaining questions concerning our Canadian boundary, both land and water, and that Austria and Italy as well as Bolivia and Peru have solved questions of boundary in the same manner.

Some years ago, treaties even of limited arbitration attracted much attention, but as their number increased we came to take

*The United States, on behalf of the Orinoco Steamship Co., having brought financial claims against Venezuela, in 1904 an individual umpire, Dr. Barge, awarded the claimants \$28,700 which award the United States declined to accept. In 1910 the Hague Court sustained the American position in such refusal and increased the amount of the award to about \$92,600.

†Vinayak D. Savarkar, an Indian agitator, arrested for treason in London and being taken to India for trial, escaped from the vessel in the harbor of Marseilles but was recaptured on French soil. Savarkar's friends induced France to protest and to demand that the prisoner be returned to France. The Hague court permitted the British to retain the prisoner.

‡Arising from claims for indemnity for losses in Russo-Turkish War of 1877-8.

§Arising from claims against Chile by the United States, on behalf of Alsop & Co., an association of American citizens, for damages of about \$1,500,000 in satisfaction of money advanced to Bolivia in 1874 for concessions in Arica which later passed to Chile as a result of war. The question of Chile's liability was referred late in 1909 to King Edward of England whose duty passed to King George.

¶The Chamizal tract of land is within the present physical limits of the city of El Paso, Texas, and is claimed by both the United States and Mexico, the International Boundary Commission appointed in 1889 having failed to make the boundary at this point definite. An enlarged Commission is to act as an arbitral tribunal and hearings are now in progress.

them as a matter of course. Within the year at least nine treaties representing six American and six European nations have been added to the long list, making, according to some English statistics, 142 in all. We rightly feel proud of our 25 treaties, but I wonder how many of us know that our great southern neighbor, Brazil, is also a party to more than 20 such treaties. We should recognize more fully the part the nations to the south of us are taking in this movement. We have much to learn from them, not the least of which is the lesson of the Central American Court of Justice. There in Central America is a real international court of justice for five nations, with compulsory jurisdiction over *all* their differences,—*the first institution in the world which has sat in judgment upon nations!* (Applause.) The Central American Peace Conference, which in 1907 created the Court, has during the year held its third annual meeting. This meeting and the fourth Pan-American Conference held in Buenos Aires last summer give the American nations a worthy showing in the year's events. The recent averting, or at least the delaying, of a war just on the verge of breaking out between Ecuador and Peru is a tribute not only to the power of mediation, as undertaken by Brazil, the Argentine Republic and the United States, but to the amenability of our South American neighbors to the influences which in the second Hague Conference they helped to strengthen.

In our own country, the whole movement has been wonderfully stimulated by the munificent gift of that great citizen, Mr. Carnegie. With the wise provisions accompanying the Endowment, it cannot fail to be of the greatest service to humanity, making possible as it does an exhaustive study of the whole subject. Quite apart from financial considerations, it will spur on the present arbitration and peace societies to renewed endeavors. And it is particularly pleasing to me that for the first time there seems a reasonable certainty that these societies in the United States will soon be working in businesslike co-operation. For two years a committee of this Conference has been working on a plan to bring this about, and you will at this meeting hear the report of that committee. The National Peace Congress held at Baltimore early this month adopted a resolution looking to the same end—namely, the establishment of a national council or clearing house through which the societies may be kept informed of each other's work and advised as to the most effective methods of co-operation. The peace movement in America will then present a united, national front. In fact, the Baltimore Congress marked a step in this co-operative campaign; for it was the first meeting ever held "under the auspices of all the societies in the country devoted to the settlement of international disputes by means other than war."

Our movement is no longer confined to individuals or societies. It has become governmental. President Taft and Secretary Knox are among its strongest supporters, and both have made noteworthy utterances in its favor. Those who a year ago thought the President assumed an untenable position in advocating unlimited arbitration have in recent months had ample proof of his sincerity. Not only is he earnestly engaged in negotiating with Great Britain a treaty of unlimited scope, but we have his clear inference that he hopes the treaty will serve as a model for other treaties, and, perhaps, for a world treaty. The adoption at this time of such a treaty with Great Britain would be the greatest event in the history of international arbitration. I earnestly hope we will all use our utmost efforts to support the President in his position. (Applause.) Already Sir Edward Grey, Mr. Balfour, Premier Asquith and other English leaders, of every shade of political belief, have expressed willingness to meet us half way. Let us do as much as they. The time is propitious, for the last year has seen definite provision for the clearing away of all boundary, pecuniary and other differences between the English-speaking peoples, and plans are well under way for a celebration of the hundredth anniversary of the Treaty of Ghent that shall register the determination that war between England and the United States shall never again occur.

That the proposed Anglo-American treaty would meet opposition in the Senate is hardly possible. That body is too intelligent and high-minded to stand in the way of a reasonable proposal of such importance. Moreover, Congress has recently been very active in promoting international peace. Last June it passed a resolution authorizing the President to appoint a commission* to study the question of international peace and of armaments. That the President has not named the commission is due only to the fact that he is hoping to secure simultaneous action in other nations. Congress also voted a substantial sum toward the expenses of the Interparliamentary Union, and the Senate has recently ratified the Prize Court Convention adopted at the second Hague Conference and the convention of the last Pan-American Conference providing for the arbitration of differences relating to pecuniary claims arising between any nations of the Western Hemisphere. Congress is with us in any practical plans for peace. (Applause.)

These are by no means all the important events of the year. A conference of national importance was held in Washington last December under the auspices of the American Society for the Judicial Settlement of International Disputes. New and flourishing peace societies have sprung up in several parts of

*See footnote, page 9.

the country. The churches, more than ever before, are becoming awake to their duty. The great movement for conciliation and peace initiated by the clergy of England and Germany and voiced by such great meetings as that recently held in the Guildhall, London, is finding a response in this country. A committee of American clergymen, informally appointed at our conference last year, has been very active. A notable meeting was held in New York last November and more recently one at the Calvary Baptist Church, one at Plymouth Church in Brooklyn, and one at the great new Cathedral of St. John. At this conference you are to hear distinguished representatives of this work from England, Canada, Germany and the United States. I wish the discussion might result in plans for a great undenominational campaign for peace by the churches of the world.

I cannot help saying again how intensely happy it makes me at my time of life to see this great movement, which almost from its beginning in this country I have watched with intense interest, assuming its proper position in public affairs. I still hope to see the establishment of a real international court of justice open to all nations; but if this is not to be, I shall feel that the foundations have been laid and that such a court is sure of a comparatively early establishment. The court created, the task will be to develop a public sentiment that will compel its universal use; and for this work we will need our full strength. Let us not be misled by the hopeful events of to-day. They may well be cause for rejoicing; but there is much yet to be done and we must not slacken our pace. Let us work unceasingly. (Applause.)

I now have pleasure in introducing the presiding officer of this meeting—a man who has before served us most admirably in that office and whom most of you know; a great educator, active in all that looks to the betterment of humanity; the American President of the Association for International Conciliation, and a leading advocate of international arbitration and peace—President NICHOLAS MURRAY BUTLER of Columbia University. (Applause.)

OPENING ADDRESS OF PRESIDENT NICHOLAS MURRAY BUTLER

The reassembling of this Conference for its seventeenth annual session takes place at a moment and under circumstances when our feelings of exhilaration and enthusiasm run high. Never before has the mind of the world been so occupied with the problems of substituting law for war, peace with righteousness for triumph after slaughter, the victories of right and reasonableness for those of might and brute force. It begins to look

as if the stone of Sisyphus that has so often been rolled with toil and tribulation almost to the top of the hill, only to break loose and roll again to the bottom, is now in a fair way to be carried quite to the summit. The long years of patient argument and exhortation and of painstaking instruction of public opinion in this and other countries are bearing fruit in full measure. In response to imperative demands of public opinion, responsible governments and cabinet ministers are just now diligently busying themselves with plans which but a short time ago were derided as impractical and visionary. Even the genial cynic, whom like the poor we have always with us, is quiescent for the moment. But a new adversary has been lured from his lurking-place. Arguments are now making, in publications not wholly given over to humorous writing, that war and the preparations for war must not be harshly and rudely interfered with by the establishment of international courts of justice, because these wars are part of the divine order of the universe. This is certainly important, if true. We used to be told that war was essential for the development of the highest moral qualities; we are now assured that it is part of a true religious faith as well. Surely, in this sublime contention lack of humor has done its worst! The establishment of peace through justice and of international good will through international friendship, must be making great strides when its adversaries are willing to appear in so ridiculous a guise. (Applause.)

A clever observer of his kind said not long ago that whenever some occupation was discovered making for the peace of the world that was as profitable as is the preparation for war, then the age of militarism would be over. This statement touches upon a very profound and far-reaching truth to which I ventured to allude in this place a year ago. This truth is one that must be seriously reckoned with. We have now reached a point where, unparalleled enthusiasm having been aroused for a rational and orderly development of civilization through the co-operation of the various nations of the earth, it remains to clinch that enthusiasm and to transform it into established policy by proving to all men that militarism does not pay and that peace is profitable. We must meet the money-changers at the doors of their own counting-houses. Just so long as the great mass of mankind believe that military and naval rivalry between civilized nations creates and protects trade, develops and assures commerce, and gives prestige and power to peoples otherwise weak, just so long will the mass of mankind be unwilling to compel their governments to recede from militaristic policies, whatever may be their vocal professions as to peace and arbitration and as to good will and friendship between men of different tongues and of different blood.

The fact of the matter is that these widely held beliefs as to the relation between armaments and trade are wholly fallacious, and represent the survival of a state of opinion and a state of fact which have been superseded for at least a generation. These fallacious beliefs are now the point in the wall of opposition to the establishment of peace through justice, at which sharp and concentrated attack should be directed. Overthrow these and there will not be much opposition left which is not essentially evil in its intent. (Applause.)

THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Fortunately, by reason of the great benefaction of Mr. Carnegie, the world now has in its possession a powerful engine for the accomplishment of precisely this end. The establishment of the Carnegie Endowment for International Peace marks an epoch, in that it furnishes the organization and the means for a sustained and systematic effort to reach and to convince the public opinion of the world by scientific argument and exposition. Talk about the evils of war there has been in plenty; we are now ready and anxious for something more constructive.

The Trustees of the Endowment have taken a broad and statesmanlike view of its aims and purposes. While they do not overlook the value of the work of propaganda and intend to aid in carrying it on, they believe that the time has come when the resources of modern scientific method and of modern scholarship should be brought to bear upon the problem of international relations. They believe that the leading jurists and economists of the world should be set at work in the service of humanity to ascertain just what have been and are the legal and economic incidents of war, and just what are the legal and economic advantages to follow upon the organization of the world into a single group of friendly and co-operating nations bound together by the tie of a judicial system resting upon the moral consciousness of mankind, from whose findings there can be no successful appeal. The plans of the Trustees have been formulated with these ends in view.

It has been determined by the Trustees of the Carnegie Endowment to organize the undertaking committed to their charge as a great institution for research and public education and to carry on its work in three parts or divisions—a Division of International Law, a Division of Economics and History, and a Division of Intercourse and Education. Otherwise stated, these three Divisions will represent the juristic, the economic, and, broadly speaking, the educational aspects of the problem before the Trustees, which is to hasten the abolition of international war by the erection of an international judicial system compe-

tent to hear and to determine all questions of difference arising between nations.

The Division of International Law will be under the direction of Professor James Brown Scott, whose services at the Department of State, at the second Hague Conference, and in connection with the American Society and Journal of International Law, are too well known to need specific enumeration. This Division will promote the development of international law, and by study, by conferences, by aiding negotiations, and by publication, will assist in bringing about such a progressive development of the rules of international law as will enable them to meet with constantly growing adequacy the needs of the nations of the world in their juristic relations toward each other. It will not be sufficient, however, to bring the principles and rules of international law to the notice of the people of various nations; the rights and duties that are implied in these principles and rules, and that follow from them, must also be clearly and effectively taught. Furthermore, this Division of the Endowment will aim constantly to inculcate the belief that intercourse between nations should be based upon a correct and definite idea of international justice. To the perfecting and clarifying of the fundamental conception of international justice, this Division will assiduously devote itself.

All this study and activity have for their object to hasten the day when the principles and rules of international law will be so clearly apprehended and so satisfactory that the settlement of international differences and disputes in accordance with their terms will become the unvarying practice of civilized nations.

For this purpose the Endowment will associate with Dr. Scott a consultative board composed of some of the most distinguished international lawyers in the world. The point of view of each great nation will be represented in their councils, and the results to be arrived at will be the joint work of jurists of every school and of every language. It is not too much to hope that by the influence of these scholars the international law of the future will prove to be without the division between the law of peace and the law of war which is now characteristic of it. The method which obtains in the domain of municipal law affords a model and an example for the method to be applied in the field of international law. We need, first, an agreement as to the fundamental principles which should regulate the rights and duties of nations in their mutual intercourse, which principles would then form the substantive law of nations. The means and instrumentalities provided to enforce a right or to redress a wrong would indicate the natural and normal procedure to be followed in international discussion and litigation. It would

then appear that for the maintenance of rights and for the redress of wrongs between nations there are, first, the legal remedies, and, secondly, the resort to violence and force. In this way the rules of war would cease to form a part of the substantive law of nations; they would be classed, together with the peaceable remedies and after them, as one of the possible means of enforcing rights and redressing wrongs. The text-books of international law would no longer put war on an equality with peace, but would relegate it to its appropriately subordinate place in the consideration of questions of procedure.

The Hague Conference has solemnly declared that the maintenance of peace is the supreme duty of nations. For the execution of this supreme duty adequate means must be provided. If they are at hand they should be strengthened; if they are not at hand, they must be brought into existence. A study of the struggle in the history of Europe between self-redress and the judicial settlement of private disputes, and of the steps by which private warfare was abolished and civil actions were made determinable by courts of law, will help to convince the nations of the world that the very measures which they have taken within their several borders to do away with self-redress and to establish domestic peace and order, are precisely those which will establish order and justice and assure peace between the nations themselves. This whole process is one of legal evolution.

The second Division of the work of the Carnegie Endowment will be the Division of Economics and History. It will be under the direction of Professor John Bates Clark, of Columbia University, whose foremost place among English-speaking economists is gladly recognized everywhere. The work of this Division, like that of the Division of International Law, will be scientific and scholarly in character, in organization, and in method. Like the Division of International Law, the Division of Economics and History will aim at the education of public opinion and at the formulation of conclusions that may serve for the guidance of governmental policy. With Professor Clark will be associated a score of the world's leading economists. England, Germany, France, Italy, Austria-Hungary, Switzerland, Holland, Denmark, Japan, the Argentine Republic, and other nations will have a voice and a part in formulating the problems to whose solution this Division will address itself, and in working out the solutions of those problems. The results arrived at in this case, as in the case of the Division of International Law, will not be those imposed upon the judgment of one people by the scholars and economists of another, but they will be those that are reached by co-operation between economists of a dozen nations.

It will be the business of this Division of the work of the Endowment to study the economic causes and effects of war; the effect upon the public opinion of nations and upon international good will, of retaliatory, discriminatory and preferential tariffs; the economic aspects of the present huge expenditures for military purposes; and the relation between military expenditures and international well-being and the world-wide program for social improvement and reform which is held in waiting through lack of means for its execution.

The highest expectations may confidently be entertained as to the practical results to follow from the successful prosecution of economic studies such as these. Mankind has never yet learned to appreciate the dislocation which war necessarily produces in the economic processes of production, distribution, exchange, and consumption all over the world. A war between two nations is not confined in its effects to the combatants. The interests of neutral powers are involved in some degree. Articles for which there is no market in time of peace are called for in large amounts in time of war; the processes of production are diverted from their normal channels or are artificially stimulated in abnormal ways; exchange is alternately diminished and accelerated; the markets of the world are disarranged; and in every direction are to be found evidences of war's ravages and evil consequences. Mankind must be taught to look upon war as a pathological phenomenon; to seek in the economic and social life of men and nations for its most active causes; and to look farther and deeper in that same economic and social life for modes of preventing war and for allowing the economic activities of mankind to go forward unhindered and unhampered in their mighty task of laying the basis for an increasingly higher and nobler civilization.

The work of this Division of the Endowment may well result, within a measurable period, in broadening the study and the teaching of political economy everywhere. Moreover, it will help to bring about a new conception of history, and to establish new tests of effectiveness in the teaching of it. We shall gain from these studies a new standard in the measurement of human values, and the children of the generations that are to come will have an opportunity to learn more fully than has yet been possible of the high significance of the scientific and philosophic development of mankind, of his artistic and literary achievements, of his moral and social advances, of his industrial and commercial undertakings; in fact, of all those things which we justly think of as entering into a true conception of civilization.

In these two Divisions—those of International Law and of Economics and History—the Endowment will, under the leader-

ship and guidance of trained scholars of the first rank, seek to make constant and influential contributions to human knowledge with a view to so instructing public opinion as to hasten the day when judicial process will everywhere be substituted for force in the settlement of international differences and misunderstandings.

There remains a third and important division of the work of the Endowment—the Division of Intercourse and Education—the director for which has not yet been announced. It will be the function of this Division to supplement the work of the two Divisions, which may be called, perhaps, the scientific ones, by carrying forward vigorously, and in co-operation with existing agencies, the educational work of propaganda, of international hospitality, and of promoting international friendship. Among the tasks of this Division will be to diffuse information and to educate public opinion regarding the causes, nature and effects of war, and the means for its prevention and avoidance; to establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized nations; to cultivate friendly feelings between the inhabitants of different countries, and to increase the knowledge and understanding of each other of the several nations; to promote a general acceptance of peaceable methods in the settlement of international disputes; and to maintain, promote, and assist such establishments, organizations, associations and agencies as shall be deemed necessary or useful in the accomplishment of the purposes for which the Endowment exists. In other words, this Division will make practical application of the teachings and findings of the Divisions of International Law and of Economics and History.

It can hardly be doubted that the men at the head of these three important Divisions of the work of the Endowment, with their immediate associates and colleagues in this and other countries, will speedily come to form a veritable Faculty of Peace, and that the world will look to them more and more for instruction and for inspiration alike. No such broad and philosophic conception of international relations has ever before been put forward as that which the Trustees of the Endowment have formulated and made their own. The conception itself and the admirable plans made for its development and application open a new era in the history of the world.

To such great and nobly conceived tasks as these the Trustees of the Carnegie Endowment for International Peace have set their hands. Every true lover of his kind will wish them success in their stupendous undertaking, and will offer them earnest and hearty support toward its accomplishment. (Applause.)

AN INTERNATIONAL JUDICIAL SYSTEM

The organization of an international judicial system goes steadily on. The auspicious settlement of the differences between Great Britain and the United States in regard to the Newfoundland Fisheries, by their submission to the International Court of Arbitration at The Hague was at once a long step forward in international practice and an example which has not been without its effect upon the public opinion of other nations. It must not be forgotten that an International Court of Prize was created by the Second Hague Conference, and that the same body, composed of accredited representatives from forty-four different nations, recommended the establishment of an International Court of Arbitral Justice. So soon as these two Courts shall be put into operation at The Hague a permanent international judiciary will have been created—one capable of hearing and deciding any and every controversy of a justiciable character which may arise between nations either in time of peace or because of the existence of a state of war.

The convention for the establishment of the International Court of Prize has been approved by thirty-four nations. Despite this fact, the Court has not yet been instituted. Various objections have been made to its institution as planned, and to overcome these objections no little time, patience, and diplomatic skill have been necessary. It is common knowledge that Great Britain objected to that article of the convention establishing the International Court of Prize which gave to the Court the power to determine, as well as to administer, the law where the principle of law applicable to the facts as found had not yet been formulated by international practice or imposed upon the court by convention. Great Britain did not wish to invest the International Court of Prize with law-making functions, and therefore postponed its acceptance of the convention until an agreement had been had upon the principles of law which the tribunal was to administer. Upon the invitation of the Government of Great Britain, representatives of the leading naval powers assembled in London from December 4, 1908, to February 26, 1909, and agreed upon the so-called Declaration of London, the purpose of which is to furnish the proposed tribunal with the law which as the International Court of Prize it is to administer. In this way the objection of Great Britain has been met.

On the other hand, the United States objected to those provisions of this same convention which gave to the proposed tribunal the attributes of a court of appeal, and under which a judgment of the Supreme Court of the United States might be subject to review at its hands. This objection, which must be considered in large part sentimental, drew its force from the fact that under the Constitution there is but one Supreme Court, and

that an appeal from its findings to an International Court at The Hague would seem to take away some of the powers which the Supreme Court possesses and of which Americans are so justly proud. This objection is, as has been said, in large measure sentimental, because the International Court of Prize is to be, not a national but an international institution, and the Constitution applies, of course, to a court within the United States and not to one without the country. Nevertheless, an alternative form of procedure has been proposed, which meets the objections offered on behalf of the United States and which, embodied in the form of an additional protocol, has been approved by the signatories of the original Convention. By the terms of this additional protocol, any nation which feels itself precluded from following, for constitutional reasons, the procedure originally proposed for the International Court of Prize, is placed in a position where recourse to that court can only be exercised against it in the form of an action in damages for the injury caused by an alleged illegal capture.

On February 15, 1911, the Senate of the United States approved both the original Convention as to the International Court of Prize and the additional protocol. Ratifications of both instruments by the various signatories will doubtless be deposited at The Hague during the present year, and the International Court of Prize will then become an accomplished fact.

Great as are the advantages of an International Court of Prize, the fact must not be overlooked that the very existence of such an institution presupposes war; for its purpose is to decide controversies arising because of alleged illegal captures in time of war. The International Court of Arbitral Justice, on the other hand, has for its purpose the settlement of controversies and differences which arise in time of peace, and which, when settled and determined, may avert hostility and war. It will be remembered that at the second Hague Conference the proposal of the United States in regard to the establishment of this Court was accepted in principle, and that a draft convention was adopted regulating its organization, jurisdiction and procedure; but that the definitive constitution of the Court was not agreed upon because the Conference failed to hit upon a method of selecting the judges that was acceptable to all of the nations represented.

The Government of the United States has been at work, through appropriate diplomatic channels, upon the problem of bringing about the establishment of this Court, and it is with no small satisfaction that I am enabled to say that the progress which is making in the consideration of this matter indicates that it will be brought to a favorable conclusion in the near future. At this Conference one year ago, the Secretary of

State authorized the announcement that he had reason to believe that the International Court of Arbitral Justice would be instituted before the time set for the meeting of the third Hague Conference. It is now possible to say, again with the knowledge and approval of the Secretary of State, that the progress made during the past year has been so marked that in all likelihood such a Court, created by general agreement, will be erected at The Hague even earlier than seemed probable a year ago. (Great applause.)

Both war and peace, therefore, are soon to have their courts—the International Court of Prize and the International Court of Arbitral Justice. There can be no reasonable doubt that one of the results of the latter will very soon be to make the former a monument to an order of things that is past.

EXCESSIVE ARMAMENTS

The nations are still struggling with the problem of inflated armaments, and no sensible progress has been made towards gaining relief from their burdens. Those who believe, with this Conference, in the efficacy of international courts for the settlement of international differences, are inclined to feel that these great armaments may well be left to tumble over, one of these days, of their own unnecessary weight. When, as we have recently seen, the successful and popular battleship of a few years ago is only useful as a target for the marksmen of to-day, the future of excessive armaments may be viewed with comparative serenity.

The widespread persistence of the mistaken notion that in some way big navies protect and develop commerce is responsible for much of the present national loss and waste. The last blow would be dealt to this notion if the other great powers would consent to join the United States in writing into international law the principle that private property at sea shall be free of capture and seizure in time of war. Preying upon private property, and its confiscation, have long been forbidden in wars conducted on land; why should they be permitted longer to exist when war is carried on at sea? Who is to gain by the continuance of this now barbarous practice?

It is a sign of great promise that at the last regular meeting of the Council of the London Chamber of Commerce no less a person than Lord Avebury moved "that, in the opinion of this Chamber, private property at sea should be declared free of capture and seizure." The motion was carefully discussed and then adopted by a unanimous vote. The conflict here is between admiralties and the commercial and financial forces of the nations. The admiralties of the world must be compelled to give way on this point—where they have not already done

so—to the reasonable demands of those whose property is subjected to loss and damage by persistence in the present unhappy and uncivilized policy, to say nothing of the demands made by those who take still higher moral and public grounds. As Mr. Hirst, Editor of the London *Economist*, so forcibly wrote a short time since—“This policy of commerce destruction is really moribund and obsolete. If practiced between two great commercial nations it would raise such an outcry and involve such injustices that I feel sure it would be dropped by mutual consent at an early stage of hostilities. Nevertheless, the maintenance of the right is highly mischievous, because it is a prime incentive to armaments in time of peace and a prime cause of oppressive taxation. Statesmen and journalists found most of their arguments for increased expenditure on armaments upon the necessity for protecting commerce. To a greater or less extent they know that their plea is fraudulent, but it serves the purpose.”

THE ARBITRATION TREATY WITH ENGLAND

When the Senate of the United States refused, fourteen years ago, to ratify the proposed arbitration treaty with England negotiated by Secretary Olney and Sir Julian Pauncefote, and transmitted with the earnest approval of President Cleveland, there was deep disappointment. At that time forty-three Senators voted for ratification and twenty-six against. The treaty, therefore, failed to receive the two-thirds majority required by the Constitution. A change of three votes from the negative to the affirmative side of the question would have ratified a treaty, the first article of which provided for the submission to arbitration of all questions in difference between the high contracting parties which they might fail to adjust by diplomatic negotiation. The disappointment at the rejection of the Olney-Pauncefote treaty was as pronounced in Great Britain as it was in the United States. The London *Spectator* thought that the rejection of the treaty was due to the element of our population that likes a fight and a flourish, that hates moderation and sobriety and prudence, and that cannot tolerate the notion of the fate of the country being in the hands of clergymen and professors, of lawyers and philanthropists. However that may be, the treaty was rejected, and not until the present time has any successful attempt been made to renew the undertaking then interrupted. President Taft's direct, unequivocal, and emphatic declaration as to the scope of international arbitration, and in particular as to the wisdom of an international arbitration treaty with Great Britain, has aroused the greatest enthusiasm on both sides of the Atlantic. The reception of his words in Great Britain has been, so far as one can judge, quite unexampled. Every element of the population and the leaders of all shades of political

opinion have joined together in an enthusiastic reception of the President's splendid declaration. It is understood that an arbitration treaty with Great Britain, making no reservations as to the subjects of difference which are to be submitted for judicial determination in accordance with its terms, is soon to be submitted to the Senate for ratification. It is also understood that the preliminary negotiations have been conducted with such discretion and tact, and with such full knowledge on the part of the Senate, that prompt and substantially unanimous ratification of such a treaty is assured. If, however, the treaty when finally drafted shall fall short in any degree of the public declarations of President Taft, and of the just expectations which those declarations have aroused on both sides of the Atlantic, it will not satisfy either the judgment or the conscience of the American people. (Applause.)

Surely, then, some American poet should feel the inspiration to provide our Republic with a Peace Hymn that would stir and move and inspire as did Julia Ward Howe's fine Battle Hymn of the Republic at the outbreak of the terrible struggle between the States. Nations, like individuals, are powerfully moved by example and by precedent. A treaty of the kind proposed between two powers of the first class will not long stand alone. Its beneficent influence will call other similar treaties into being, and the peaceful organization of the world through judicial process will have taken another long stride forward. Every such stride forward is a new triumph for reasonableness. (Applause.)

Mr. ALBERT K. SMILEY made formal announcement of the officers of the Conference, a list of whom will be found on page 2 of this report.

Mr. ALEXANDER C. WOOD, Treasurer of the Conference, presented his report, properly audited, showing receipts during the past year of \$2,249.24 and disbursements of \$2,138.03, with unpaid bills to the amount of \$374, leaving a deficit of \$262.79. He expressed the hope that voluntary contributions amounting to at least \$2,500 might be received, and called attention to the fact that funds in the Treasury are used only for printing and postage and for distribution of the annual reports and other literature authorized by the Conference or its Committees. All other expenses, Mr. Wood explained, including the salary of the permanent secretary and the maintenance of the permanent office, are borne by Mr. Smiley.

THE CHAIRMAN: The first address upon the program of the Conference after these opening words is to be given by the distinguished gentleman, who as Trustee of the Carnegie Endowment, as its Executive Secretary and Director of its Division of International Law, is to add to the already distinguished ser-

vices which he has made on behalf of this cause. I present Dr. JAMES BROWN SCOTT, of Washington. (Applause.)

SOME NEEDS OF THE PEACE MOVEMENT

ADDRESS OF HON. JAMES BROWN SCOTT

It is with considerable hesitation that I lay before you a summary statement of some few phases of the peace movement in order to clear up, as best I may within the very limited time at my disposal, some of the difficulties that meet us in the way.

I shall content myself with a few headings and shall leave you to fill up the gaps.

First. The peace movement aims to secure the non-forcible settlement of international disputes through the diplomatic channels of the parties in controversy, or in acute cases, by the good offices and mediation of third parties, by arbitration of the difference which diplomacy has failed to adjust by means of a temporary tribunal or mixed commission, created for the occasion by judges chosen by the parties themselves, a method admirably adapted for the settlement of questions of a political nature, or by a permanent court composed of permanent judges to be created by the nations of the world, acknowledging and applying the principles of international law in their mutual intercourse, if the question at issue be legal instead of political. In the first class of cases, compromise may often be desirable; in the second class of cases, a judicial decision is requisite. A temporary tribunal created for the occasion with judges of the parties' choice is admirably fitted to complete the task of diplomacy and adjust the difficulty. A permanent court composed of professional judges is, as experience shows, alone fitted to decide a controversy of a legal nature.

Second. The peace movement has been *largely* negative (although there has been for sometime past a minority of constructive minds actively engaged), war has been denounced as an evil, as something morally wrong, as brutal, cruel, wasteful and totally unsuited to decide the right or wrong of the matter in dispute. This method is good so far as it goes; but it does not go far enough.

Third. The peace movement is necessarily based on these contentions and they are largely admitted by open-minded and impartial students. It must, however, be preëminently constructive instead of negative, for it is not enough to know the evil,—and war is admittedly an evil—we must discover and apply the remedy. It is the old problem of belling the cat. We agree that the cat should be banished from our midst; the difficulty arises when someone is asked to take the initiative and exterminate the animal, for you will remember that in the fable the heart of the strongest quailed and the assembly dissolved when

it was proposed to take active measures against the common enemy. In the contest in which we are engaged, the views of our opponents must be taken seriously and met by argument. We must approach the question with all seriousness and cannot hope to overcome sincere conviction by ridicule or laughter. I have in mind particularly the view so ably advanced by von Moltke and his school, that war promotes courage and the manly virtues and that it is necessary in the inscrutable providence of God. We must treat seriously those who believe, such as the German Emperor, and there are many who share the view, that peace can only be maintained at the price of armament and preparedness for war. We must consider this latter class as desirous, as they profess to be, to maintain peace, and show them that our method is better than that to which they stand committed. We must approach the problem in the spirit of St. Paul—"Whom therefore ye ignorantly worship, him declare I unto you." We must find the unknown substitute for the God of war, and the substitute must be so reasonable as to make its rejection unreasonable.

The peace movement must be constructive, not merely destructive; that is, we must not only destroy, we must build up. We may, indeed, create international institutions, but these must grow up naturally and from within, not artificially or be superimposed from without. The remedy proposed must be evolutionary, not revolutionary. Let me refer to two or three illustrations to make this simple truth very clear. The various constitutions of the French republic during the Revolution and in later times did not last because they did not grow out of the traditions of the people, and they passed away with the revolutions which created them. The statesmen of the third republic, after vainly endeavoring to create an elaborate fabric, established a temporary form of government whose success has, as my friend Baron d'Estournelles tells me, given point to the maxim, "*ce n'est que le temporaire qui dure.*" The constitution of the third republic endures because it is the prolongation of the old system, and it has met the approval of the French people because it has sprung out of their past. So with the English constitution which grows naturally and constantly, because it springs out of the past and only changes to meet new needs and conditions. In the same way, our form of government grew out of English and Colonial practice. It was not struck off at white heat as Mr. Gladstone would have us believe. The statement of Sir James Mackintosh is simpler and more accurate,—that constitutions grow; they are not made. As with forms of government, so with institutions; they are not made, they grow, and those institutions only are permanent which are the result of historic growth. We are justified in believing that the growth between nations will not be different from the growth within

nations. In each situation, we deal with peoples, and these peoples are the same although grouped differently. Municipal institutions which have stood the test of time and have produced equilibrium, that is, law and order (convertible terms with peace) may and should be projected beyond national lines and modified in the light of international conditions, so as to meet international needs.

Fourth. To forecast probable action and the institutions of the future, we must examine the present as the outgrowth of the past.

Fifth. Rapid, not to say instantaneous, communication has made the most distant peoples neighbors. The events of the day are common property on the morrow, and from the standpoint of communication, national boundaries are non-existent.

Increased facilities of transportation have broken down exclusiveness and artificial boundaries; industry and commerce are international, and from the standpoint of industry and commerce, the so-called natural and in a lesser degree national boundaries are things of the past.

For the national, we have the international interest, and solidarity has triumphed over isolation. In law, nations are sovereign and independent; in fact these nations are interdependent. A calamity to one is a misfortune to all, and war is no longer confined in its effects to the combatants, but spreads like a mildew over the world, or, to vary the illustration, the pebble dropped into the brook sends its ripples to either shore. Blockade and contraband affect all. Industry and commerce are dislocated; production, distribution, exchange and consumption are disturbed. International law must need take note of the change which has come over the world and develop in accordance with actual, not assumed, conditions. We cannot study the problems of the day as in a vacuum. We must take conditions as they are, analyze and better them. Hence it is that international unions are the order of the day. For example, in the matter of commerce, we have the universal postal union composed of 55 states and colonies, and we are all familiar with the metric union, the union for industrial, literary and artistic products, the union of publication, of customs and tariffs and many others too numerous to mention.

This new condition of affairs needs a new law and the law will be developed to meet the international need, just as municipal law has developed to meet the national need. The agencies for its interpretation and application will be developed just as proper agencies were developed within national lines.

Sixth. Admitting that the growth between nations will be similar to that within national lines, it is advisable, indeed necessary, to state briefly the course of this development. Without going into unnecessary details, it may be said that in the

beginning of legal development we see everywhere the right of unlimited self-redress. We note, however, that the exercise of unbridled self-redress satisfies, however imperfectly, the need of the individual at the expense of the community. Arbitration by private contract makes its appearance, appeals to the good sense of the community, and is imposed by it upon its individual members. This method succeeds because it enables the claimant to right a wrong without disturbing his neighbors. The question at issue is decided by strangers to the controversy, but arbitration by private contract, however superior to self-redress, involves delay. Justice should be swift as well as sure-footed. Adequate machinery is seen to be necessary, and insensibly, if not unconsciously, the permanent court is created by the community and supplied with permanent judges by profession to the mutual benefit of all concerned.

Perhaps a reference to a single jurisdiction may be permitted. In the early periods of Roman history, of which we have knowledge, self-redress is the exception, arbitration the rule, and as arbiter, priest or king, and in the republican period, a magistrate is chosen. Self-redress, however, still lingers in the background; for, if the defendant will not arbitrate or if he does not comply with the award, the plaintiff, in the first case, redresses the injury according to his pleasure, or, in the second place, enforces the award. The procedure is simple but adequate for a small community. With the growth and development of Rome, litigation increased, and the casual bystander was no longer equal to the task imposed upon him. Therefore, a permanent panel was created from which litigants could select the arbiter or judge. The proceeding was still voluntary; arbitration resulted from private contract, and the finding of the arbiter was still an award, not a judgment in the technical sense of the term. It was not executed by the State, but was enforced, if at all, by the successful suitor. Self-redress has not yet disappeared.

Under the empire, the permanent panel is replaced by the professional judge, the court of justice is permanently established, and its decrees are enforced by the State, and the victory is so overwhelming that the rôle which arbitration played in the development is forgotten, even by the masters of Roman jurisprudence. The suitor has his court; the justice of a dispute is examined and settled by the principle of law; self-redress wholly disappears.

After the fall of Rome, the growth of municipal institutions is different but not dissimilar. The State is familiar with the court and establishes it at an early date, but it has to struggle to maintain itself, and beyond its doors, self-redress, represented by the duel, judicial combat, and private warfare, threatens its existence. The sober sense of the community triumphs.

Self-redress,—the duel, judicial combat, and the right of private war,—becomes less frequent and drops out. In no jurisdiction is this clearer than in England where self-redress was permitted and regulated, and has passed out of existence without the need of a statute because, in the opinion of the community, the remedy afforded by the court was better than any form of self-redress.

Such, in brief, has been the growth within national lines, and history seems to be repeating itself on a larger scale between the nations. Instead of an immediate recourse to war, which is nothing but self-redress between nations, the dispute is referred to the arbitration of priest, king or magistrate. Private arbitration and public arbitrations are, in origin and result, identical. In 1899, the First Hague Conference created a permanent panel of judges, the so-called permanent court, from which the litigating nations could choose judges to form a temporary tribunal for the settlement of the dispute. Again, the analogy between international and municipal growth is perfect. The Second Hague Conference created an international Prize Court to be composed of permanent judges in order to pass upon and to decide the lawfulness or unlawfulness of a seizure and capture of neutral property in war. The Court is not definitely organized at The Hague, but 34 nations have pledged themselves to its establishment. The Second Hague Conference likewise endeavored to take the final step in the development of arbitration, approved the project to establish a permanent court of arbitral justice to be composed of permanent judges, and adopted a draft convention of 35 articles regulating the organization, jurisdiction, and procedure of such a court, leaving it to the nations to determine the method of selecting the judges. We therefore see that, just as private arbitration resulted in a national court, public arbitration is developing into an international court. Self-redress, that is to say, war, still exists, just as the duel and private war were recognized and regulated by municipal law. In the struggle with self-redress, the national court triumphed, and unless analogy fails, the international court will emerge the victor from the contest. History is with us. Upon the model of national agencies, we are building international institutions. International justice is slowly taking form and shape. The international Prize Court and the international Court of Justice will by their mere existence attract cases, for gravitation is judicial as well as physical.

Within national lines, the suitor appeals to the court as a matter of course because he has grown up in an atmosphere of courts and judicial procedure. Should he refuse to appear, the State compels his attendance. Nations are independent and cannot be cited to the bar of justice as individuals. Treaties there-

fore must be concluded between nations by which they bind themselves to submit their disputes to the international court. In this respect, the international differs from the national court. Again, the judgment of a national court is executed by the State, but as the parties to an international controversy are independent nations, compliance with the judgment depends upon the good faith of the nation already pledged by the resort to the international court to execute its decision. International procedure thus differs from national procedure, for in the family of nations, there neither is nor can be a sheriff to enforce a judgment. Public opinion is in reality the sanction binding the sheriff, and public opinion between nations may be counted upon to play a not dissimilar rôle.

National institutions are, as it were, being projected beyond national lines, and from the many courts which exist within nations, a great international tribunal is emerging between the nations.

Seventh. The various international unions to which reference has been made can only work harmoniously if principles of law be framed to control their operation; international courts of justice, just as municipal courts, must be supplied with law which they are to interpret and administer, and the law, if it do not exist, must be developed to meet the new conditions of modern life and intercourse. How is this system to be created? It is fair to assume that municipal processes will repeat themselves on larger scale. Usage and custom within national lines made the common law of England. Usage and custom will make the common law of the family of nations. The one will grow as the other has grown. The process of growth within national lines is admirably illustrated by a recent case entitled *Power vs. Bowdle* to be found in the third volume of the reported decisions of the Supreme Court of North Dakota: "Usage is local practice, and must be proved. Custom is a general practice, judicially introduced without proof. Usage is the fact; custom is the law. There may be usage without custom but there can be no custom without usage to accompany or precede it. Usage consists of a repetition of acts; custom comes out of this repetition." To speak in terms of international law, the usage of one nation becomes, by repetition, the custom of that nation. It is, however, local usage and custom, until, by its general adoption, it becomes general usage and general custom, that is to say, international law. The growth is sure and certain but slow; hence, within national lines, the legislature has stepped in to accelerate development in order that the law of daily life may meet the daily needs. A national legislature affects merely the subjects and citizens within its jurisdiction, and national laws have no international validity. Where every nation is inde-

pendent and each nation is the equal of each, we can have no international legislature to impose its law upon its members because in the family of nations, there is no superior. Therefore, we have no international legislature, but we have the international conference, and during the past century very many important questions of law have been discussed and framed and generally accepted. The Congress of Paris in 1856 which modified the rules of maritime warfare, the Red Cross Conference of 1864 which safeguarded the rights of non-combatants, the Declaration of St. Petersburg of 1868 which defined the purpose of war and forbade the use of needlessly dangerous weapons, readily occur to us and show the possibilities of the conference. The generous idea and the happy inspiration of the Czar of Russia endowed the world with a new institution, the Hague conference, and the Second Hague Conference, held in 1907, wisely decided that the conference called for a temporary purpose should be called into being as circumstances required or suggested. Even a casual examination of the conventions drafted by the first and second Hague conferences shows that the international conference is in reality a law-making body. It does not enact statutes, it recommends drafts to the nations represented; it is not a parliament, it is an international legislature ad referendum. It is not Utopian to hope that the new institution, differing radically from the national legislature, will nevertheless render services to the family of nations hardly less important than the enactments of local parliaments, and the fact that the recommendations of the Hague become, by municipal process, national laws is full of hope and encouragement for the future.

Eighth. It is thus seen that the foundations are laid for international justice and its administration and that without unduly stretching the term, we have either an international legislature or a body capable of performing its most essential functions. We have, however, no executive. Many there are who believe that the executive will be forthcoming and some suggest that a committee be appointed by the Hague Conference to serve until the meeting of the future conference and, during the interval, to urge upon the nations compliance with its recommendations, to aid in securing their enactment into national laws, and in general to supervise the action of the contracting parties. Is this committee the nucleus of an executive? Will it develop into an executive committee? If an executive be needed, it may so develop, but I do not believe that it will. An executive implies and presupposes close political union, a world state, a political federation.

Is such a state of things possible? Is it desirable? Is it advantageous? History is pressed into service by friend as well

as opponent. Without, however, entering into details which, though interesting, would carry us too far afield, it may be stated with some confidence that the world state of the past was the outcome of force, that it rose and fell by the sword, as in the cases of Rome, Charlemagne, and Napoleon. The modern instances of conscious federation, to which reference is most frequently made, are the United States, Switzerland, and Germany. The American union owes its independent existence to a revolution. The federal form of government in Switzerland was due to a civil war, and it need hardly be stated that the German empire was brought into being by blood and iron. Indeed, the unification of Italy was not merely the result of war, but of a series of wars. If, however, we admit the appositeness of the examples cited, we must remember that Switzerland had its Sunderbund and that the union of the cantons was maintained by the sword of Dufour; and that the union of American states was only preserved by a conflict which lasted four years. Without further discussion, I beg to state that political federation seems to me, under present conditions, improbable, if not impossible, for political federation is the product of war and is maintained by force.

Is it desirable? I believe not, for it would in my opinion, block progress. We want the contribution of each state; we want to encourage, not to deaden initiative. We wish the nations of the world to act, not as one nation, but toward a common end, namely, the good of all. History as well as common observation shows that independence will not be lightly renounced, and I believe that it should not be renounced to any one power or to any body created and superimposed upon the nations. Individual initiative may and must yield not to any but to all, and the Hague conference seems to me the best and most practical way in which the nations, preserving their independence, may take counsel together and devise measures for the common good. Co-operation of nations and the use of national resources for the benefit of all are what the partisans of federation desire, but if these beneficent results may, actually do, and will in the future increasingly result from international conference, it seems the part of wisdom to develop the conference in such a way as to satisfy international needs without seeking to create a political union which in the past, at least, required war for its creation and for its maintenance. If we are as one body in thought and in deed, we need not trouble ourselves about questions of form.

Ninth. Many believers in peace propose a league of peace, either as a goal in itself, or as means to the goal—federation. This implies a division into sheep and goats. If the league is to have physical power, it is unacceptable for it is hegemony scarcely disguised. If the league is to have only moral power

upon outsiders generally and enemies of law and order, it is nevertheless undesirable as the few will bring pressure to bear upon the many. It seems only possible if those to be bound or affected consent to be bound, which seems unlikely because we would have, not a league of a few states, but a union of all members of the family of nations. Independence or the right of independent judgment stands in the way. If constituted, it would, in all probability, be an instrument of intervention, and intervention would glide insensibly into hegemony. The idea of a league of peace is far from new, and its partisans point with pride to historical precedents. Thus, Mr. Hamilton Holt has recently said:

“The ancient Achaian League of Greece, the Confederation of Swiss Cantons, the United Provinces of the Netherlands, and the United States of America are the most perfect systems of federated government known to history. Less perfect, but none the less interesting to students of government, are the Latin League of thirty cities, the Hanseatic League, and in modern times the German Confederation. Even the Dual and Triple Alliances and the Concert of Europe might be called more or less inchoate leagues of peace.”

The Holy Alliance is not included in this list of leagues, yet its purpose was to procure peace, and many a life was sacrificed in the good cause. This alliance, designated during its existence as the “League of Peace” by John Quincy Adams, was formed on September 26, 1815 between the Emperors of Austria and Russia and the King of Prussia who pledged “their unalterable determination to accept as the rule of conduct only the principles of this holy religion, in the administration of their respective countries as well as in their political relations with every other government,—the precepts of justice, of charity and of peace which, far from being solely applicable to private affairs, on the contrary influence directly the resolutions of princes, and dictate all their measures as being the sole means of consolidating human institutions and of correcting their faults.” So much for the preamble. In the first article, the monarchs, considering themselves as brothers, state their determination to remain “united by the bonds of a true and indissoluble fraternity” and considering themselves as compatriots, they promised mutual aid and assistance in order “to protect religion, peace and justice.” In the second article, their Majesties state explicitly that “the only binding principle, either between the said governments or their subjects, shall be that of rendering mutual service; of testifying to one another, by an unchangeable benevolence, the mutual affection by which they ought to be animated; of considering themselves only as members of the same Christian nation: the three princes regard themselves as merely the delegates of Providence, to govern three branches of the same family, thus confessing that the Christian nation, of which they

and their peoples form part, has really no other sovereign than Him to whom belongs all power, because in Him alone are found the treasures of love, knowledge, and infinite wisdom, that is to say, God, our Divine Saviour Jesus Christ, the Word of the Most High, the Word of Life." The third article invited all nations accepting these views in the spirit of the three monarchs to join the Holy Alliance, assuring them that they would be promptly and affectionately received. The provisions of this treaty were no idle words. Congresses were to be held from time to time to consider the state of Europe and to take such action as should seem advisable. Thus the treaty of Paris of November 20, 1815, to which the King of Great Britain as well as the three Christian brothers were parties, expressly provides:

"To facilitate and to secure the execution of the present Treaty, and to consolidate the connections, which at the present moment so closely unite the 4 Sovereigns for the happiness of the World, the High Contracting Parties have agreed to renew their Meetings at fixed periods, either under the immediate auspices of the Sovereigns themselves or by their respective Ministers, for the purpose of consulting upon their common interests, and for the consideration of the measures which at each of those periods shall be considered the most salutary, for the repose and prosperity of Nations, and for the maintenance of the Peace of Europe."

We thus have the fundamental principles and the intention of the leaguers to hold periodic meetings "for the repose and prosperity of nations, and for the maintenance of the peace of Europe."

At the Congress of Aix-la-Chapelle, held in November, 1818, a further, formal and explicit statement was made of the reasons, the aims and purposes, and methods of the allied monarchs. The sovereigns, it is said "in forming this august union have considered, as its fundamental base, their fixed determination never to deviate, in their relations between themselves as well as in their relations with other states, from the strictest observance of the principles of international law which in their application to a state of permanent peace can alone effectively guarantee the independence of each government and the stability of the general association." The history of the congresses of Aix-la-Chapelle, Trappau, Laybach, and Verona are too well known to detain us even for a moment, because the Holy Alliance, whatever it may have been in theory, became in practice the pretext for intervention. Great Britain forsook the allies which not even the cunning and craft of Metternich could hold together, and the "league of peace" as John Quincy Adams called it, dissolved into nothingness. The statesmanship of Canning in the old world, and the statesmanship of John Quincy Adams in the new, called into being and put into practice the doctrine of

non-intervention. The twentieth century does not want its Holy Alliance and a new Monroe doctrine.

Tenth. Some eminent advocates of peace who shy at federation and look askance at a league of peace, propose, however, a remedy of their own which presupposes federation as well as a league of peace, namely, an international police to maintain law and order and to execute the judgments of international courts. An agreement upon the use of force is hard to bring about. Nations are unwilling to invest those whom they would perhaps call their betters with any physical power over them, lest it be abused. The policeman is a late comer in national growth and presupposes a very high degree of centralization, and there is no reason to believe that an international police will come at an earlier stage in international development. A clear case must be made out for the international gendarme, and the reason advanced is far from satisfactory. National courts may require a sheriff to execute their judgments. The history of the past century and more shows that the good faith of nations is sufficient to insure compliance with an international award. Indeed, there is no clear example of a refusal to abide by the terms of an award, however burdensome or galling they may appear to be. If the international sheriff is needed, he will doubtless make his appearance, but at present there seems to be no real demand for him. In this respect, international decisions happily differ from national judgments.

Without noticing other phases of the peace movement with which we are all, more or less, familiar, I would insist in conclusion that the peace movement of the future must be constructive and evolutionary, that national institutions should be projected beyond national lines, and that this transformation is possible without political union. Armament will exist as long as it is necessary, but an acceptable substitute will render resort to force less frequent, and the less frequent the resort, the less need of armament and its increase. Courts of justice within national lines have banished self-redress and maintained law and order by the daily administration of justice. It is believed that an international court between the nations will render the same great services, so that reduction of armament and eventual disarmament can only be considered as a condition consequent, not a condition precedent. If an international tribunal performing these services can be considered an innovation, it is nevertheless a natural and conscious growth upon a larger scale of national institutions which exist in every member of the family of nations and in any state which makes the slightest pretence to civilization. (Applause.)

THE CHAIRMAN: The subject of this session, "Status and Needs of the International Peace Movement," is open for general discussion. To open this discussion, it gives me great pleasure to welcome once more to the Conference a distinguished American, who through his long career has been in constant sympathy with its aims and purposes—Mr. BRYAN. (Applause.)

THE HOPEFUL OUTLOOK FOR PEACE

REMARKS OF HON. WILLIAM J. BRYAN

I am not here to-day to take part in discussions, but I could not resist the temptation to stop off for a few hours when I found it was possible to do so. And I have been abundantly repaid for my coming in what I have heard. I think that about the only thing I need say is that this is a period of congratulation more than a period of preparation. In fact, I feel that the treaty which has been substantially agreed upon and which has been briefly outlined in the papers is so important a factor in the securing of that for which we are all hoping, that it is going to render some of our work unnecessary and I feel a good deal like one who is at the end of a contest when the result is known and he only awaits the announcement. I believe that this treaty, if the outline presents what the treaty contains, is the beginning of the end of war. Heretofore there have been exceptions in our treaties and the exceptions have been the difficult things to deal with, because when people are excited they are likely to imagine that the cause which arouses them comes within the exceptions of the treaty. When people are mad they talk about what they *can* do; when they are calm they talk about what they *ought* to do, and the difficulty is that when people are mad they see no part of the treaty except the exception clauses. I have been worried as I have heard the reports of the work on this treaty. For instance, in Washington a little over a month ago, I read in a paper that the treaty would cover *practically* all questions. I have spent about twenty years of my life helping to write platforms (laughter) and "practically" is one of the words I have had to fight all my life. I think that Mr. Roosevelt spoke once of a weaselword. I never heard the phrase before. I think he said he quoted it from some one else, but it is a very happy phrase. The weaselword is the word that is put into a phrase to suck the meaning out of other words. When I saw that word "practically," I understood what it meant, because of all the weaselwords, I know of no other word that has been as weasel-like as "practically." And then I saw a statement in the Chicago paper that the first clause of the treaty would provide that all questions would be submitted to dispute *except* those that involved the vital interest of the nation; the

honor of the nation, the independence of the nation and questions where third parties were interested. And then I wondered why they did not save words and enumerate the things that were to be submitted and not the exceptions. But when I saw what was announced later, and apparently with authority, as the substance of that treaty, I found that while the matters to be arbitrated did not include all matters, that *all* matters without exception were to be investigated. And I regard that as the most important part that we have found in any treaty. I am not afraid of war after investigation; I am afraid of war before investigation. I am not afraid of war deliberately entered into; I am afraid of war commenced in passion, the war that is undertaken because something has been done that arouses resentment and before the peace forces of a nation have a chance to be felt and heard. Somebody shoots and then we have to kill two persons because one has been killed; and then the other side has to kill four because two have been killed; and we proceed until finally one party is so embarrassed that an outside friend suggests that it is time to stop and get ready for another war. That is what has been going on, and then the treaty provides conditions which inevitably lead to further dispute, because instead of settling the question upon justice, they settle it by force, and no question is ever settled by force. (Applause.) Might cannot make right, and no question is permanently settled until the settlement appeals to the sense of justice in the human heart. (Applause.)

Now this treaty which provides that all questions will be submitted for investigation, to my mind closes the door to war. And I am here to rejoice. I believe we have taken a great step in advance and that this treaty which has been practically agreed upon between our country and Great Britain will become the basis upon which other treaties will be made. It has already been announced that it has been presented to France, and naturally so, for France has been the historic friend of the United States. (Applause.) And speaking for myself, I would not have been in favor of any treaty with any country that we were not willing to make with France. (Applause.)

But I believe that the attitude of our nation should be that we are ready to make with *every* country any treaty that we are ready to make with *any* country. Yesterday morning's paper announced that Germany had been notified that this treaty could be made between Germany and the United States. I suppose that they are giving this to us by "peace" meal for fear we are not strong enough yet to take it as a whole. I presume by to-morrow morning we will be notified that Japan has also been included in this arrangement, and I hope so. (Applause.) Not that I desire to lessen the circulation of the sensational press,

but I think we have had enough talk of war with Japan and that we can now lay aside any prejudice that the war talk may have aroused and recognize that there never was any more danger of war with Japan than with any other country. (Applause.) But with the pending treaty as a model I believe that we can now proceed and make treaties with every other nation in the world. And I have no doubt that England will proceed to make this kind of a treaty with other nations, and that other nations will then make treaties back and forth until the world will be held together by these contracts which will make war so remote a possibility that even the companies that make armor will no longer be able to support lobbyists at the Capitol to point out the necessity for great battleships. (Applause.)

My only regret is—and it is a regret based upon my pride in my nation—that our nation did not stand forth before any other and make this proposition to all nations and thus win a deserved place as the leader of all the peace forces on this earth. As an American, I would like to have seen our nation, blessed as no other nation has been blessed, protected as no other nation has been protected, and in a position to do what no other nation was in a position to do, assume this leadership. I would like to have seen this nation rise to the responsibilities of its position and without waiting for any nation, announce that it was willing to put God's doctrine to the test and see what influence example would have upon the nations of the world. (Applause.) But we did not do it. We waited until the other English-speaking nations joined with us and thus the honor will be shared; but I think the other nations will so quickly join that we will all have the credit together, and that in a few months there will be no great nation that will stand before the public and risk the arousing of public sentiment by refusing to enter into this kind of agreement with any and all other nations.

There are still many things to do that will make the resort to war, and even to arbitration, less frequent than it is now, and I take it for granted that our forces will now be directed toward the work of cultivating a spirit that will settle questions even before they are submitted to any institution. I have been very much interested in what I have heard this morning; interested in the broad scope of the work of the Carnegie Endowment as outlined. There is one part of its work that I suppose will be treated later,—that of the education of the public. Now I believe in publicity; I believe that the best thing that you can do for an error is to make it stand out where it can be seen and that one of the things that that department should do is to investigate the influences that have been back of war and war scares; I think it would do this country some good to have

an investigation of the things that have continually projected wars by the people as dangers to be feared. I have my views as to the cause and I would like to have enough information to assure you here of the correctness of those views. I believe that one of the difficulties has been with papers that put the making of money above interest in their country and that think more of a big scare head line than they do of a nation's peace and the friendship of nations. (Applause.)

I have had some illustrations of that in this recent anxiety over the situation in Mexico. I was irritated when I found that a minister of Mexico happened to be in the United States and was besieged by reporters who attempted to get interviews out of him in regard to what he thought our country ought to do, or what it had done, and what his country would do if our country did so and so. It seems to me that their questions as reported were a violation of the good will that ought to exist between neighboring nations. But I think I reached the limit of impatience when a representative of a news agency hailed me as I stepped out of an automobile in Detroit and said, "We have just received a dispatch from Arizona that ex-President Roosevelt has arranged to raise a regiment in case of war with Japan and we want to know whether you will raise one or not." (Applause.) I have reported to you exactly what the man said. I said, "Mr. Roosevelt has made no such arrangement." He said, "Yes; we have a telegram to that effect." I said, "You ought to verify a dispatch like that before you publish it." He said, "We have." I said, "No; Mr. Roosevelt has made no such arrangement." "But," he said, "if he has, will you raise a regiment?" (Laughter.) Now, my friends, I want to ask you, what do you think of the desire for news that must animate a news agency that will spread a report that the ex-President of the United States is so sure that there is to be war with another nation that he has made arrangements to raise a regiment in case of the war. Such a report as that would naturally be telegraphed to the other nations, and if they judged men by ordinary standards, they would think, "Well, surely, when an ex-President of the United States makes arrangements for raising a regiment, the people over there must think war is near at hand." I give that simply as an illustration. And I think it would be well to have some light thrown upon this cause for the war scares.

But I think the most influential cause of the war scares that are used to keep up this desire for a large navy, is this pecuniary interest of the men who make battleships, and I would like to have some investigation of the amount of money that is spent every year in cultivating this sham patriotism that is manifesting itself in all the nations where they have navy leagues. We have

a distinguished gentleman here from France. He will correct me if I am mistaken, but I have seen statements attributed to the navy league of France. Have you a navy league over there?

Baron d'ESTOURNELLES DE CONSTANT: Oh, yes.

Mr. BRYAN (continuing): I have seen statements attributed to the navy league of Great Britain, and of Germany, and, my friends, I would like to know who puts up the money. We find that the navy league of each country plays the other countries against its own nation, and whenever a battleship is built anywhere its pictures are spread before people as the reason why the country in which this navy league is operating shall have more battleships. I believe that is a part of the educational work that needs to be done, that light shall be turned upon this and force these men, who are wrapping the nation's flag about them while trying to plunge their hands into a nation's pocket, to stand forth in their true mercenary character.

Then I think a third phase of educational work is illustrated by what is being done by the distinguished citizen of France who honors this meeting with his presence. (Applause.) It was my pleasure to meet Baron d'Estournelles de Constant about seven years ago, the first time I visited his city, and it has been my pleasure to renew acquaintance with him since. I was gratified when I learned that he was making a tour of the United States.

I believe that the influence in this country of men like him talking of the interests of international peace is enormous. We are so constituted that we gather enthusiasm from one another and when one stands up whose heart is full of his subject and who speaks directly to the hearts of others, we sometimes realize something in us, the presence of which we hardly knew. And he has awakened a multitude of our people who are for peace and have been for it all the time, only they have not had occasion before to express themselves upon the subject. When he speaks before an audience and the audience applauds, those who have not been interested catch the spirit of the meeting and the more timid ones are made bold by the boldness of the bold. This is another great educational influence.

But, my friends, I have not time to discuss this question. I only arose to express my gratification at the progress that has been made, and to congratulate you upon the part that this Mohonk Conference has had in it. It is difficult when we see a result to know of all the causes that have entered into it, but this has been one of the moulding influences of this country; it has been one of the organizations that has persistently, in season and out of season, brought before the attention of the country the fact that war is brutal and that civilized man should settle his disputes by reason and not by force. And this con-

ference has helped to raise the sentiment among the people and to lift the moral and the ethical standards as they relate to peace.

I believe that hereafter our work, as I suggested in the beginning, is largely the cultivation of the sentiment that will remove the causes that have heretofore led to war, and I will mention three things that I consider important. First, I believe that we ought to cultivate sentiment in favor of including war loans with the things that are now prohibited. (Applause.) That is, that we shall no more loan money to people to carry on war than supply arms and ammunition with which to fight. I know of no reason why the money changers of the world should be allowed to sit back and make money out of carnage when other people are prohibited from doing so. I think it is only the overpowering influence of the dollar that has led the world to consent to it up to this time. It is a good time to cultivate a sentiment against placing the dollar on any other basis than other things used as war material. Second, I believe we ought to cultivate a sentiment against having a navy of a country used under any circumstances for the collection of the debts of people. We would not allow a man's life to be taken because he owes his fellowmen and I think the time ought to be here now when we can declare to the world that we will not consent to shoot people of other countries merely because they may owe somebody in our country. Back of it all lies the doctrine that a dollar is worth more than a man; the doctrine that the love of money is the root of evil; for when we get down to the bottom of war we find that back of war is usually the desire to get some material advantage. And third, I believe, my friends, that back of all our present peace movements must be the cultivation of a higher ideal, of a sentiment that will put human life above the things that man handles. Man, the creature of the Almighty, and placed here to carry out the divine decree, is superior to any material thing, and in proportion as the world can be brought to understand that man stands above everything else, we will find less and less cause even to take questions before arbitral courts, and along this line I believe this conference will have a great work before it. Even when we have treaties that reach our highest expectations, there is the work of preparing the hearts of men to accept the only doctrine upon which peace can permanently rest, and that is the doctrine of human brotherhood, the doctrine of love for man to man, and when the world recognizes that doctrine of brotherhood and recognizes the kinship that each should feel to every other, we will not kill one another in order to get that which other people possess, that we may want. (Applause.)

WAR APPROPRIATIONS AND PEACE.

REMARKS OF MR. FRANKLIN H. HEAD*

If the question were submitted to this audience: "Do you believe that war is the proper way of settling differences of opinion?" there would be a unanimous No. And if it were submitted to the whole intelligent population of the United States, the answer would be the same. We do not believe that war is a proper settlement of differences. Now this Conference is discussing the greatest question that ever came before a body of intelligent people; the greatest movement of the world. But we must not expect that so grand an enterprise will be carried forward without certain opposition, and I want to point out just one thing which may be a factor we ought to consider. Two-thirds of the income of the United States government is spent in connection with war. Over \$440,000,000 is annually appropriated for this purpose. The question I am going to submit for a possible answer is this: Who gets that \$440,000,000? Who gets it? It is not paid over to any corporation, but it is paid over in effect to an association whose membership occasionally changes, but whose only fixed and invariable aim is to get just as much of that \$440,000,000 as possible. This great movement for peace can not go forward without some opposition from interests that have been in the habit of getting this \$440,000,000 paid over to them each year—and we must not expect that they will sit down quietly and let a reign of perpetual peace be inaugurated without uttering in whatever way it may come their protest. (Applause.)

TWO PHASES OF EDUCATION FOR PEACE

REMARKS OF REV. FREDERICK LYNCH, OF NEW YORK

The word I want to say is this: People act as they think in this world. Before you can get a certain sort of action, you must get a thought habit preceding it. Last year I watched very carefully one of the great daily papers—one which has perhaps the third largest circulation in New York City—and almost every week in the Sunday issue there was a great page dealing with naval and military matters. I do not know where those pages came from, or who supplied them; but practically every week there was before the eyes of the readers of that paper the question of war and preparation for war, so that they were all the while thinking in terms of battle ships, thinking in terms of war, thinking in terms of preparation for war. I do not believe that we will ever accomplish much until in some way we get the people to thinking all the while in terms of arbitra-

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tion and law and justice rather than in terms of war and navy and army. It seems to me one of the best things that the Carnegie Endowment can undertake is to so keep the people of this country in the habit of thinking in terms of arbitration, letting them see week after week what is being done in the great constructive world of international justice and law, so that, by and by, they will unconsciously begin to think in terms of arbitration rather than in terms of war. Then if a war scare comes, instead of thinking, "We will go to war to settle this question," they will instinctively and naturally think first of arbitration. It seems to me that is one of the great works of the future.

Then another thing that I believe might well be done at this time, is what we have been doing here by these Conferences at Lake Mohonk—namely, let the people of the world know how far we have gotten so that they will know that they are on the winning side. Human nature is so constituted that about half the people always gravitate to the side that they feel is gaining and growing and is going eventually to win the victory. One of the finest things these Conferences have done is to keep the people of this country so informed that many people to-day feel that arbitration and justice are on the winning side. But unfortunately the great mass of people have hardly reached that point. That is where our propaganda work can be of very great benefit. Every boy and girl in a school anywhere in the United States ought to know of the wonderful things that have been accomplished in this movement since seventeen years ago when Mr. Smiley called the first Conference, and I believe that if the Carnegie Endowment can let every boy and girl in this country know so much has been accomplished, that already the great forces of the world are on our side, we will have a state of opinion that will put war forever out of existence.

Those, then, are the two points I want to contribute to this discussion: 1. We must form the thought habit of the world on the side of arbitration rather than of war. 2. We must let all the world know that the forces making for justice are to-day surging ahead of the forces making for war! (Applause.)

WOMEN'S ORGANIZATIONS A LATENT PEACE FORCE

REMARKS OF MRS. EDWIN D. MEAD

In the four years before the third Hague Conference, the great organized bodies of American women can and ought to do a great propaganda work of peace which shall reach from twenty to thirty millions of our people. In the Federation of Women's Clubs there are 800,000 women; last year at their great Biennial at Cincinnati we persuaded them to put the cause

of peace on their programme for the first time, and they passed a good resolution encouraging the study of it. There are 100,000 women in the Council of Mothers and they have just passed a similar resolution. There are 325,000 women in the W. C. T. U., which has a Peace Department. In the National Council of Women there are about fifteen national organizations; one of them alone—the Women's Relief Corps—has 161,000 members, who are beginning to do a little in the peace movement. The so-called "patriotic societies" are beginning to look forward as well as backward and are amenable now to work of this kind. But, as I happen to know, with the exception of what is being done for 450,000 teachers, whom the American School Peace League is trying to reach, there is less than five hundred dollars a year available for peace work among these several millions of women.

Women are supposed to be the peaceful sex and I believe they do hate war more than men do. But as a force for international peace they are negative unless they have specific instruction. They must be set to studying the economics of Professor Clark and to reading Norman Angell's "Great Illusion." They are quite as likely as men to be impressed with the *lingua Hobsoniana*. When Colonel Roosevelt declares that we cannot arbitrate questions of honor, women need to study the settlement of the Alabama claims and other difficulties and find that we have repeatedly settled questions of honor and vital interest by arbitration or other peaceful means. When Secretary Meyer says a great navy is the cheapest possible "insurance" and that its average annual cost during our history is less than two mills on the dollar of the great wealth of our country, women need to be taught that there are serious fallacies in that statement and what they are. These otherwise well informed women must be instructed in this specific question, and when instructed they can be of very great service in informing their own busy husbands and brothers who have not time to sit in afternoon clubs and discuss international ethics, history and politics.

Next autumn, if California comes in as the sixth equal-suffrage Western state, twelve Western senators will have to rely for their entrance into treaty-making power upon the votes of women as well as of men (applause); the significance of this is evident, as it was only three Western senators who prevented the ratification of the arbitration treaty in 1897. But whether as Western women voters, as members of clubs, of patriotic societies or of religious organizations, women ought to be a great power for international peace. I beg that the leaders of this movement will not neglect and ignore this great, latent power, and will see that it is developed and utilized! (Applause.)

PUBLIC SENTIMENT FOR PEACE

REMARKS* OF DR. CYRUS NORTHRUP, EX-PRESIDENT UNIVERSITY OF MINNESOTA

I am not a veteran in the peace movement. I have always been a friend of peace on general principles, but I have regarded the men and women who were engaged in holding peace conventions as well-meaning and respectable ladies and gentlemen, who were dreaming of the millenium ages before the millenium was likely to appear! And it is only within a year that I have taken an active and official interest in the peace movement, and that because I thought the time had come when it would do some good to take hold. The one thought that I want to express to-night is this: it seems to me that the veterans in the peace movement have been toiling so many years under discouraging circumstances that they do not even now realize the situation of the hour; that they do not fully realize how the people feel in regard to this question of peace; that within the last year there has been a movement among the people swelling upward and onward, so that, to-night, what is really wanted is not continued talking in favor of peace with an idea of converting the people; for the people are already converted! They are ready for peace and arbitration!

We organized a State Peace Society in Minnesota a few weeks ago with our honored Governor as honorary president. I am the president. We have about 1,000 members and could have 100,000 easily if we only asked the people to join, as everybody is for it; we have 2,000,000 people in Minnesota and if the question were put to vote, "Will you have war as the means of settling international difficulties or will you have arbitration?" I have no doubt that if everybody voted we should give a majority of 1,900,000 in favor of arbitration. And what is true of Minnesota my esteemed friend, Dr. White, tells me is true of Georgia. Down in Atlanta they have made arrangements for a meeting in the interest of peace three or four days hence. It is to be held in an auditorium capable of holding 8,000 people, and already applications for seats outnumber the seats in the auditorium! Think of 8,000 people in Atlanta wanting to attend a meeting in the interest of peace! Talk about converting the people—the people are converted already! The peace workers are lagging behind. They should wake up. What was really wanted was somebody to point the way to do something practical. We wanted somebody to tell us something besides general principles. We have found somebody. President Taft has led the way. He has pointed out to us just the thing we are to do. Peace is not to be established everywhere all at

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once! We must begin. And we cannot begin better than with the United States leading the way, and England coming in next, and France next and when we get these three nations bound together, Japan will come in next and the rest of the world very soon after!

A little while ago at the meeting of the Grand Army of the Republic, Maria L. Sanford, for many years a respected member of the faculty of the University of Minnesota, made a very able memorial address. In conclusion she advanced the idea, that the Grand Army of the Republic should take up this cry of peace and arbitration, and not only carry it forward themselves but ask their brethren of the South—the Confederate veterans—to join with them. The question was put to that meeting and every veteran voted for it! That is the way the people feel! They are tired of this miserable extravagance, tired of the waste of hundreds of millions of dollars each year for things that are of no earthly account, except to kill men; tired of the waste of money that ought to be devoted to making life better and happier for the people; tired of the Christianity which says peace on earth and good will, and then wastes a large part of the revenue of the government in providing the means for destroying human life and making men miserable all over the earth! Mothers are tired of it. Wives, children, men—laboring men especially—are tired of it. What is wanted,—for the men in one country are very much like another, the people of one country feel very much like the people of another country upon this question,—what is wanted is to bring before the governments of the world the fact that the people of the world are in favor of arbitration and universal peace. (Applause.)

DANGER IN OVERENTHUSIASM FOR PEACE

REMARKS* OF DR. HARRY A. GARFIELD, PRESIDENT OF WILLIAMS COLLEGE

It is hardly fitting that a novice still serving his novitiate should express opinions and, so far at any rate as the policies of this society are concerned, I do not propose to do so. A novice may, however, hold, and even express, opinions concerning events of public moment, and I do not hesitate to say that I have very decided opinions concerning some of the matters referred to at this conference. For example, I am entirely clear that President Taft has contributed, is contributing, greatly to the good of the world, as well as to the permanency of his own reputation, in bringing forward the proposed arbitration treaty with Great Britain and in advocating as he has done so cour-

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ageously and persistently a reciprocity treaty with Canada. There may be expressions used in those documents which could be improved, but one ought not to be over-sensitive to the letter when the spirit is right and when all the world welcomes the proposal and the parties are agreed. To indulge in supersensitive criticism at such a time may defeat that which, as a whole, is approved.

But if a novice may not express opinions concerning his order, he may, at any rate, have impressions, and I presume I may say a word concerning the latter. I shall confine myself to one. It seems to me that some remarks already offered by one of the speakers, to the effect that all the world knows and accepts the main contention of this society and that what is now needed is action, may be open to misconstruction. I do not believe that the speaker intended to discourage further conferences on the ground that they are no longer needed, but his remarks might be so construed. There are reasons on the social side why such a proposal would be unwelcome, but it seems to me,—and this is an impression not an opinion, for I insist on being modest,—it seems to me that this organization still has an immense work to do; that it must not rest content until the world understands the attitude of mind which the nations must cultivate if peace is to be an assured fact. But I grow too warm for the mere statement of an impression! I suppose it is now familiar knowledge,—for it has been substantially expressed more than once during these meetings,—that, if the position of the nations is once established in favor of peace, disarmament will follow, and that disarmament cannot come first.

This society still has a great work to perform in shaping public opinion. The best assurance of peace is the removal of the causes which lead to war, and most of the so-called causes in turn spring from our attitude toward other people and their possessions. I venture to suspect that when all the swords and spears are beaten into instruments of peace there will still be those who covet other people's ploughs and pruning forks and sometimes steal them. There will still be work, if not for a peace society, at any rate for a good will society. This conference can be both. It is important that our attitude of mind shall be right in this matter. (Applause.)

BROAD AND UNITED PEACE WORK NECESSARY

REMARKS OF DR. E. D. WARFIELD

I think that in a movement like ours we should avoid every divisive tendency. I particularly deprecate the statement which concluded the interesting and able paper of Dr. Scott to the effect that disarmament can only be a condition consequent and

not a condition precedent. We may make trouble by such an unnecessary contrast. Disarmament need not be either one or the other, but a contemporary and concurrent movement. The thing for us to do is to unite every possible interest in a widely planned work to remove every obstacle to peace and international justice.

One of the great obstacles to international arbitration and to judicial settlement of international controversies is the belief on the part of some nations that they are strong enough to dispense with international justice. They still wish to be a law unto themselves. They have yet to learn the lesson of the ages in the new terms of this century that the race is not always to the swift, nor the battle to the strong. They do not believe that the time is coming when nations will make war no more. And if we do we must do more than make laws and set up courts. We must teach and preach industrial and economic principles, social demands, and popular movements, which mean to replace force with justice. I have taken special interest in this question this year because, despite all that has been said about the reduction of armaments, more money has been spent during the last year for the increase of armaments than in any year in the last decade. We must, in short, carry forward a broad educational campaign, not stopping to discuss what is a condition precedent and what is a condition subsequent. We must make the world realize that a court must be established because the nations must rid themselves of the terrible incubus of unnecessary armaments. Then when the court is established every one will be prepared for the natural consequence of reduction of armaments. Let us work together, let us keep our ideals as a glorious constellation, let us realize that no great historical result flows from a single cause but from a complex of causes, and that an infinite variety of effort is necessary to produce any great international development. (Applause.)

AMERICA MUST LEAD IN INTERNATIONAL PEACE

REMARKS OF DR. JOHN CLIFFORD, OF LONDON

I should not have intruded upon this gathering except from the feeling of gratitude. What I wish to express is chiefly this: that America actually has led in this present movement and now is leading us on to the goal of peace. In the address of Mr. Bryan, to which we listened with so much gratification and from which we received so much inspiration, it was intimated that that had scarcely been the place which America has occupied. I want to assert that so far as Great Britain is concerned we all feel that it is America that is leading us on! (Applause.) I can assure you we have not amongst us in our country any other feeling than that; we are following you.

President Taft uttered twice over the policy which is now underlying the expected treaty; and it was not until it had been uttered twice, and we had got into a fierce controversy with regard to our naval expenses, that our Foreign Secretary lifted up his voice and welcomed the proposition which came from this country. That is a fact which I think you ought to keep in mind, for it indicates that the entire credit of the success which has at present crowned the efforts of President Taft is due to the American people. I want that distinctly to be understood and for this reason: that you have also and by consequence the responsibility of carrying it forward! (Applause.) You are in a position that we cannot possibly take! We belong to old Europe; we are in the jungle of the politics of Europe as a whole and consequently it is not possible for Great Britain, an ancient people as we are, to take the lead which you in your youth—you are just passed perhaps out of your adolescence as a great commonwealth—and in your freedom can take. That position of freedom is one which entails the greatest possible responsibility! If you were to slide back at this great crisis in the world's life, you may depend upon it it would be fatal to the whole movement! (Applause.) I am including Canada in the statement that America is the strategic point for lifting the world up to a nobler position than ever it has yet occupied. It is here that the work is to be done, and within the next decade, and I believe it will be done; but only on the condition that America stands fast,—that you hold this ideal aloft and do not suffer it for a single moment to be trailed in the dust! (Applause.)

With regard to one thing which was said this morning, I should like to be permitted to utter only a word. Reference has been made to the fact that fourteen years ago we were almost within sight of the goal and that only by the vote of three senators were we prevented from reaching it! But the world has moved since then—even Old England has moved since then (laughter)—and moved considerably. We have got the House of Lords on its knees! (Laughter.) That is a position which fills a great many of us with doxologies all the day and all the night. They have actually confessed that the hereditary right to legislate is gone. And that confession means a revolution in British thinking and also in British action. Within a few years,—within two or three years,—through the passing of the veto bill, we shall have a Home-rule bill for Ireland carried into law! And that which was the principal instrument in my judgment, and the judgment of the British people generally I think, in preventing the success of the Pauncefote-Olney arrangement will be out of the way! That factor out of the way, the path is clear! On to the goal we go—America standing true! (Applause.)

THE CHAIRMAN: The Conference will now hear the report of the Committee appointed two years ago to consider the establishment of a National Council for Arbitration and Peace. I present the Chairman of that Committee, my colleague, Dr. GEORGE W. KIRCHWEY, Kent Professor of Law in Columbia University.

ATTACK WAR AT ITS SOURCE

REMARKS OF GEORGE W. KIRCHWEY, LL. D.

I was very much interested in the heresies put before you this morning by Dr. Scott. He bowled over some very common and much cherished illusions, particularly that illusion which seems to me to underlie so much of the peace thinking, if it is peace thinking (it is certainly piece-meal thinking) of the present day; that is, that international peace, is to be secured in some way or other through the exercise of force. We have distinguished publicists advocating the creation of an international police; we have dreamers dreaming of a world-federation, of a peace league of organized power which shall bring peace by the sword, forgetting the words of wisdom, that they that bring the sword shall perish by the sword. We have had leagues of peace before, as Dr. Scott has reminded us. The Roman Empire stood at the head of one and established the Roman peace throughout the world. Charlemagne created another, Napoleon created another and there have been other efforts to establish and maintain peace by means of force. They have all failed miserably. The best way to maintain peace among men is not to tie them together too closely. I have sometimes been led to believe that it is not always the best way to maintain peace between men and women to tie them together irrevocably. Certainly it has not been true in international relations that the tying together of states only half-willing to be bound perpetually,—and none have ever been wholly willing—has resulted in perpetual peace.

And that line of thought leads me to the further reflection that, being as we are, a political people, indoctrinated with ways of political thinking, we have acquired an inveterate habit of interpreting all social life, all the advances of humanity, in terms of politics, in the political spirit. Most of us can hardly conceive of universal peace except under the dominion of universal empire or, at any rate, as a matter of arrangement between nations. And yet, my friends, is it indeed true that the peace which has come to prevail, in so far as peace has come to prevail in this armament-ridden world, has come about through government arrangements for the most part? Has it not, as a matter of fact, come about rather through the working of those silent forces which are rendering war more and more improbable by

rendering it more and more incredible? As humanity becomes rational, as people become civilized in the true sense of the term, war becomes less a thing to be thought of as a means of settling international controversies, just as it has ceased to be a matter to be thought of as a means of settling controversies between individuals. Far be it from me to disparage the efforts which are being made at Lake Mohonk through these Conferences and through our State Department, efforts in which I have only too gladly coöperated, for the creation of governmental institutions, arbitral courts, treaties of arbitration and, further on, the high court of arbitral justice, which will undertake the task of settling controversies that have arisen between nations. But the real thing to be aimed at, in my opinion, as I have sometimes ventured to say in this arbitration Conference, is not the arbitration of international disputes, but the anticipation and prevention of such disputes. Civilization grows not by the repression of evil, but by the elimination of evil. For centuries civilized society has been trying to stamp out crime by methods of repression and the result is an increasing quantity of crime, even in the most highly civilized nations. Crime can be successfully attacked only at its source, before it has come into being. In the same way war can be effectually attacked, it seems to me, only at its source, before it comes into being, and therefore not through governmental agencies, whether they act repressively, or through the more peaceful ways of arbitration. These we shall welcome, as speedily as they may come, but they, too, will in the fullness of time be rendered unnecessary through the growth of those non-political, non-governmental, social human agencies, represented here; and it is in order that those peaceful influences of society may have their most perfect fruit that the Committee appointed at the Lake Mohonk Conference two years ago ventures to present itself to-day to submit the report which I have the honor to lay before you.

REPORT OF COMMITTEE ON A NATIONAL COUNCIL FOR ARBITRATION AND PEACE

BY GEORGE W. KIRCHWEY, LL. D., CHAIRMAN

Those of you who were not present at the last Conference may be interested to know that in the Conference of 1909, two years ago, on the motion of Professor Dutton a committee was appointed by Dr. Butler, then, happily, as now, presiding, with the view of determining the desirability and feasibility of creating a National Council for Arbitration and Peace, with the object of uniting the peace forces of the country so as to secure more effective co-operation among them and to make the work of national education more effective than it has been in the past. As a result of various circumstances, foremost among which

stands Mr. Carnegie's beneficence, it seemed desirable to postpone immediate action until we should see the direction which Mr. Carnegie's benevolence should take, and then ascertain the line of activity which the Carnegie Endowment for International Peace should lay out for itself. That time has now arrived. We find the Carnegie Endowment proposing to limit itself, as indeed it seems to me it should limit itself, to the great work of investigation and of publishing the result of its investigation. It is to be a great research institution, like the Carnegie Institution in the City of Washington. The science which it will investigate is the science of peace and it will seek out means of preserving and making peace more widely extended and of causing it to prevail.

The Committee appointed at the last Lake Mohonk Conference but one, which reported progress at the last Lake Mohonk Conference, and was authorized to go forward and create a National Council, has, after much consideration of the matter, determined that rather than exercise the authority so conferred upon a handful of men, although that handful of men constituted a committee of this Conference, it would better submit its conclusions to the Conference and ask for the approval of its plans by the Conference.

But let me, before submitting the formal resolutions which we shall ask you to consider and adopt, attempt to set before you the nature of the task to which we peace lovers of the country have set our hands. That task is the development on a nation-wide scale, and through the most effective means that can be devised, of the process of educating the people of the United States in the doctrines of international peace. The difficulties as well as the imperative character of this task will appear from a statement of existing conditions.

There are in the United States at the present time some sixty peace societies, big and little, several of them national in character, others purporting to be national without actually being so, many of them, most of them, local—some state societies, some city societies, some societies general in character, others having specific aims. Then, in addition to the peace societies proper, we have organizations meeting annually, peace congresses meeting biennially or perhaps less frequently, national peace congresses, local peace congresses like the New England Congress held last year; we have such organizations as the Carnegie Endowment for International Peace; we have the World Peace Foundation; and last but not least we have the Lake Mohonk Conference on International Arbitration,—a great variety of agencies not to be classified under the single description of peace societies, but all working in their own way and toward a common end.

This is, it must be admitted, a splendid demonstration of the vitality of the peace cause and of the zeal and enthusiasm which it has enlisted in its service. But it must also be admitted that it presents a melancholy spectacle of disorganization, of spasmodic and largely of wasted effort. Surely the time has come for mobilizing and concentrating these scattered energies as well as for drawing out and bringing into effective action the latent sentiment for peace and international good will which is ready to be evoked. Obviously what is needed is a common direction as well as a common aim—in other words, *organization*. Now the ways of organizing and concentrating a great number and variety of separate agencies having a common aim are manifold, as our lords of industry have been teaching us; and we may very well take a lesson from them and find a solution which shall give us the benefits of unity without sacrificing the advantages of diversity.

It seems eminently desirable that all the organizations for the promotion of international peace which have in them the seed of life—both those now existing and those which may hereafter spring into being—shall continue to live and thrive, each after his kind, and that they shall, so far as possible, retain their independence, their initiative, their individuality, no matter how distinctive or even peculiar that may be, in order that they may perform the best work of which they are capable. But it is surely not less desirable that their energies shall all be part of a common, concentrated national effort. In other words, what the peace movement in the United States needs is a “new nationalism,” just as the peace movement of the world needs a new internationalism.

It is respectfully submitted that this aim can best be secured through a two-fold organization of the peace agencies of the country—the one, a real unification of the numerous *peace* societies proper, through their affiliation in a central agency with supervisory powers in which they shall all be represented and which shall in its turn represent them in all matters calling for united, general effort; the other, the creation of a National Council, in which not only the peace societies but those independent agencies as well, which, by reason of their distinctive character, cannot be so united and brought under a common direction and control, shall be represented and which shall serve as a clearing house and common center of reference and information.

May I say that, for the central body which shall sum up in itself the organized and expanding propaganda work of the peace societies of the United States, my personal choice is the old, historic American Peace Society, which has for nearly a century, through doubt and darkness, kept the light burning.

But it is with the second aspect of the problem—the institution of a National Council for Arbitration and Peace which shall serve as a general advisory board and a common center of information for all men of good will (to whom is the promise of “Peace on Earth”)—that the Conference has now to deal.

I have the honor, therefore, by direction of the Committee of this Conference, to submit for your approval the following resolution :

At this point, Dr. KIRCHWEY submitted a resolution designed to create a National Council for Arbitration and Peace. It was moved by Hon. JOHN W. FOSTER and seconded by Mr. THEODORE MARBURG and Dr. BENJAMIN F. TRUEBLOOD that, in view of the great importance of the resolution, action be deferred until the members of the Conference could have opportunity to examine it carefully. Accordingly action was deferred until the session of Friday morning, May 26th, when Dr. KIRCHWEY made the following remarks :

I desire to offer a substitute for the resolution offered at the first session of the Conference. The reason for proposing a substitute is found in the fact that the third National Peace Congress of the United States, held at Baltimore early this month, took definite action with regard to the constitution of some such central body or council as the Committee of this Conference has proposed, by providing that its executive committee should be a permanent body for the purpose of calling peace congresses biennially and for the further purpose, if necessary, of maintaining a clearing house for the use of the various peace organizations of this country. Such action, as was explained by the chairman of that committee, Mr. Marburg, was intended to fill the gap until the Lake Mohonk Conference should act, and also to provide a permanent national peace congress for this country instead of a sporadic and occasional one. The changes that have been made in our resolution are intended to be a recognition of the action taken at Baltimore. I move, therefore the adoption of the following substitute resolution :

The resolution as presented was unanimously adopted and will be found in full on page 12 of this report.

The Conference adjourned until evening.

Second Session

Wednesday Evening, May 24, 1911

THE CHAIRMAN: The program for this evening session is international in character. I have the honor to present as the first speaker the Minister from Bolivia to the United States, an old and valued friend and member of the Conference. His Excellency, Senor Don IGNACIO CALDERON.

THE INFLUENCE OF THE UNITED STATES ON THE PEACE POLICY OF THE WORLD

ADDRESS OF HIS EXCELLENCY, SEÑOR DON IGNACIO CALDERON

It is a great pleasure for me to find myself once more in this Conference, and to be able to profit by the very interesting and instructive speeches such as we have heard this morning from our distinguished chairman and the other gentlemen who have met here through the whole-hearted hospitality of our beloved host, Mr. Smiley, to discuss the means of promoting and developing international arbitration.

I am afraid everything that could be said on the subject has already been said very well and eloquently here and elsewhere; therefore, if the remarks that I make are lacking in originality they will at least be the expression of my sincere convictions as to the position and the influence of the United States in the peace movement of the world.

When we look back into history it is not astonishing that there are so many people who seem to think it foolish to pretend to substitute arbitration for war. The Greeks were the most idealistic, artistic and civilized nation of the olden times, and still they kept warring constantly among themselves and with their Asiatic enemies. The Romans based their power in their military strength, and they conquered almost every region of the then known world and when that wonderful political organization went to pieces, Europe was invaded by hords of barbarians who plunged it into a night of misery and destruction. For a moment it looked as if civilization had been forever banished from the world; the robber barons and the iron-clad knights set up their moated castles everywhere and submitted to serfdom the unhappy inhabitants of the country. Force and the sword were the only power dominating the world.

Through the civilizing influence of Christianity and by the combined action of the people with the kings against the feudal lords in the continent, and the people and the lords against the kings in England, feudality gave way to the modern monarchies. But the kings thought themselves the representatives of God on earth, had themselves anointed, and to satisfy their ambition and their pride kept their countries in war, taking it at times as an amusement. The chronicles of those days tell us the king went to war as a hunter goes after game; even the religious sentiments of the people were made an object of bloody and long-continued wars that lasted for many decades.

It was under those conditions that a group of noble-hearted men started in the *Mayflower* for the new world, guided by the highest ideals and bringing with them the seeds of justice, peace and freedom to the new world! And out of that grew the greatest commonwealth that has ever existed in the world! The English colonies of this part of the continent grew in an atmosphere of popular self-government, accustomed to law and order; but when the time came, in the words of the Declaration of Independence, for them to assume amongst the powers of the world that independent position and equal situation among the powers of the world to which they were entitled by the laws of nature, they severed their allegiance with the mother country and established the United States of America. (Applause.) The advanced political principles of the illustrious patriots that framed that admirable code of political wisdom called the Constitution of the United States found its most faithful exponent in the great and spotless character, whom the poet called the Cincinnatus of the West, and his grateful citizens acclaimed "first in peace, first in war and first in the hearts of his countrymen."

George Washington, by his heroic devotion to duty, his uniform respect for right and justice, his love of peace, and his kind sympathy for mankind, has pointed out in a most clear way the future policy of his country, not only in its internal affairs but in its international relations. The advent of the United States into the community of the nations marks an era of new development in the political as well as the economic condition of the world.

Attracted by the freedom and equality enjoyed in this country under its democratic institutions, millions of men came here seeking to improve their condition and to find that happiness after which we all are striving. The Celt and the Saxon; the German and the Scandinavian; the Russian and the Slav; the Jew and the Gentile—the men of every nationality and creed came here to help in the great work of developing the wonderful and abundant resources of *God's country*. About nine thousand million dollars represented last year only in agricultural products

the result of their peaceful work. Forgetting their historic and racial hatreds they became moulded here in one glorious American citizenship.

One of the first steps in the international policy of this country was the famous declaration that there was not an inch of territory in the American continent subject to conquest and that the independence acquired by the former Spanish colonies was to be respected, thus consecrating the whole Western Hemisphere to peace and democracy.

The Latin American Republics were in full accord with this continental policy and Bolivar, the Liberator of South America, was the first to call a Pan American congress, in Panama in 1825, to which the United States was invited. Since that time several other international congresses have taken place in South America to discuss the means of promoting their common welfare. When the French invaded Mexico, Spain, following a prearranged plan, sent to the Pacific a fleet for the purpose of reconquering the old colonies; the Republics of the West Coast formed an alliance to defend themselves and the Spanish fleet met with a crushing defeat before the walls of Callao in Peru and went back to the Philippines never to return on such an errand.

Amongst the innumerable inventions with which the American ingenuity has endowed the world, there are some that have done more than any other thing for peace, for the enlarging the community of interests and bringing the nations of the world to realize the solidarity of their destinies. I speak of the application of steam and electricity to transportation and communication. When peoples of the most distant points came in quick and close contact, when distances almost disappeared and communication became instantaneous, they wondered why there was any occasion for mistrust, and why they did not cultivate more friendly relations amongst each other. They understood that there was no occasion whatever for their not helping each other in the great work of developing their welfare by a common effort.

I shall not dwell upon the influence of the United States in regard to the Hague Conference. You know it was owing to the United States that the tribunal organized by the first Hague Conference, was made active by submitting to it the first question to be arbitrated. Several other important cases have since been submitted to the same tribunal. It was through the influence of the United States that all the republics of this continent were called to form part of this second Hague Conference. The most important decision reached at that Conference was through the initiative of the United States delegation. I refer to the establishment of the principle of compulsory arbitration before enforcing any pecuniary claims. This decision has not only

been a great step towards peace, but has put an end to the most shameful abuses of force—in favor of unscrupulous speculators who, in the hope of being backed by the whole power of their countries, started in most cases false claims to enrich themselves at the expense of weaker countries, whose peace they contributed to disturb in order to get irrational concessions.

The United States at this moment is engaged in a work of international significance—the Panama Canal; this is a work of peace, although there are some who look at it only as a strategic work, in order to facilitate war movements against imaginary enemies. Such a sentiment belittles not only the high aims of a great country, but one of the greatest financial efforts and feats of engineering skill of the age. The Panama Canal that will put whole continents near each other will be, when opened, the great highway through which all the nations of the world, from the East and the West, the North and the South, will meet together in a great work of peace, of commerce and of civilization.

Ladies and gentlemen, it is a great satisfaction to think that the movement for arbitration in which these conferences have had great part is no more a question but an accomplished fact. The problem now is how to organize a tribunal so composed of men not only high in moral character, impartial and well versed in law, jurisprudence and the international rights, that their awards will be accepted without doubt by mankind in general; a tribunal that will have such moral power as the Supreme Court of the United States has in this country. The President of the United States has taken one of the greatest steps toward the final development of arbitration when he called two of the most enlightened and liberal countries of the world to sign a treaty absolutely without exceptions, because justice has no exceptions. (Applause.) The United States is not afraid to submit any question to the decision of a just and proper tribunal, recognizing that its power is based in right and not in might. The great enthusiasm with which this proposal has been received through all the nations, is most encouraging. Without the moral support of public opinion such initiative would scarcely be but the expression of a great and noble heart. If the treaty for absolute arbitration is signed by the United States, England and France it undoubtedly will be signed by other powers, and even if that should not be the case, I doubt if any nation, no matter how strong, would dare to defy public opinion—the public opinion of the world—and go to war before submitting their claims to arbitration.

Those few individuals who think that the mission of the United States is to go after the lure of gold and the call of ambition are not only too mean to understand the high ideals

of a democracy but are false to the traditions of their forefathers and the founders of this great nation. As in the infinite space millions of suns and stars since the day of creation revolve in their respective spheres without clashing, obeying the eternal law of gravitation,—so the nations of the world as civilization grows and increases, are called in their several spheres to develop their resources and help one another in the common work of uplifting mankind, making a better and a happier world, and establishing that reign of peace, justice and charity which after all is the best and most fitting preparation for a nobler and everlasting life after our brief passage through this world. (Applause.)

THE CHAIRMAN: In presenting to the Conference the next speaker, the Chair is impelled by a desire to depart for once at least from the conventional form of introduction; he has come to us from the other side of the Atlantic; he has just completed a journey of several thousand miles through all parts of the United States; he has been the representative of his government at the first and second Conferences at the Hague; he has voiced in more than one, more than two, more than three European countries the aspirations and the ideals and the good-will of the modern France. I have peculiar pleasure in presenting to the Conference a man who speaks for his people with every known title. He is a member of the Department Council of the Sarthe, he is a Senator of France, he is President and Founder of the Conciliation Internationale. I present the Baron d'ESTOURNELLES DE CONSTANT. (Applause.)

PATRIOTISM AND PEACE

ADDRESS OF BARON D'ESTOURNELLES DE CONSTANT

I think my friend, President Butler, ought not to have reminded me that I hold so many French offices, because I feel a little ashamed to be so far from my French duties! (Laughter.) But many people do not know France; and still worse, many know France only by our newspapers. (Laughter.) I am very glad to have this opportunity to show you that French people are not so bad, as they allow me, their Mayor and their Senator, to cross the Atlantic and not only to cross the Atlantic but to cross your great and admirable continent from New York to San Francisco, from St. Paul and Minneapolis to New Orleans; I think it really shows great progress and is something to be able to say at this great gathering. I find it quite natural that, instead of being in my country, in Paris, sitting in the salée, discussing their interests, I may be at Lake Mohonk discussing the interests of the whole world, because my people understand perfectly well that now we are bound to each other,

we cannot do anything by ourselves, but we have to help each other. When they see that I go to America—and it is my third voyage, I hope it is not the last—when they see that, they understand perfectly well that I am working, that I do my best for my American friends, and that I do my best for my dear country, France, too, because France and America are united. It is not only because I like it, because I really feel I want to do it, but I also think it is my duty, especially as a Frenchman.

In this new journey I have learned so many things. I never understood so well how deeply attached the French people and the American people have been for such a long time—I could say forever! When I crossed the great Mississippi Valley I was most passionately moved by the fact that there had been so many good French people who did not wait for the discovery of steam or electricity in order to come here easily, but who came to be the pioneers in trying to help you in creating your fine country—Cartier, Champlain, Marquette, La Salle and so many others. But, after that, instead of being satisfied with this great work, this creation of such a great and magnificent country, some other French people afterward felt that it was not enough to create a country. Nothing is done when in this country you have no liberty; and so they came to help you, to shake hands with you, your best men, with your great Washington, our Lafayette, our Rochambeau.

And now I ask you, Ladies and Gentlemen, the question I have asked often of your younger generation, those young men and young women who are so fully devoted to their duty and to the future of their country,—is it really enough that now we enjoy this fine legacy of our ancestors? Is it enough to receive this legacy, the creation of a great country and liberty? No, we have now something else to do. We have to finish the work, and that is why we have to keep united; we have to finish the work; after the creation of the country and after securing liberty, now we have to found peace for the generations to come, we have to do that! (Applause.) We have to do that and that is why really I ought to be back in France, now that I have finished my tour. But I could not help waiting a little longer because I wanted to be here; I wanted to see this extraordinary thing, this Lake Mohonk Conference, and you will certainly allow me to say I wanted to see, too, the man, the excellent man, the great citizen who has done this work (applause), who has realized this conference and has made it so perfect, so practical, that we find it almost quite natural to-day to be here, although it is really not natural.

It is not natural, Ladies and Gentlemen; I can tell you, speaking on behalf of my countrymen of France, on behalf of many of my friends of Europe, who are in so different a situation.

We know nothing of that kind. You are really very happy to have dreams like this realized. But that means that you have not only to be thankful, not only to be grateful, but that you have a great duty, not only for the sake of your country, but for the sake of all the world. And you do it, you do it, and that is why I felt it was my duty to come and to thank you, and to thank you here at Lake Mohonk, not only Lake Mohonk people, not only Mr. Smiley, not only my good friend, President Butler, but thank you all and chiefly the friends of those distant states whom I have been so pleased and so happy to find here—I feel as though they were old friends already. Although I said good-by when I left, for instance, California, I find that really to-day America itself is very small, because I find you all again here. I can tell you now that this is still another good omen, that is, because it proves that we can succeed notwithstanding all our difficulties.

We have not only, as I have said, to enjoy the work done; we have to do something more. I assure you that when I heard this morning my excellent and eminent friend, Mr. Bryan, say that the dream had been accomplished, O my friends, I am afraid he is too young! (Laughter.) Much too young! If he were here I should say much more, but as he is not here I cannot. But he has so many illusions, and he believes that it is the end. I can tell you, my dear friends, that it is, and it will be with us, always, the beginning. We have to do new work, but I think that is why this work is so interesting and that is why we are so devoted and so unanimously devoted to it. Indeed, as was well said this morning, we have two very distinct kinds of work to do: we have a negative, destructive work and we have a constructive work; but we cannot part them, we cannot separate them; we have to follow them both. It would be too agreeable if we had only constructive work to do. For instance how happy I feel when I have only to speak of the work we have accomplished at the Hague. We know that this work is not perfect and we know that it has yet to be perfected, but still it is a great relief; it is really a great thing to be able to say and to explain that we have created a court, that we have now started such a fine education concerning obligatory arbitration and that the progress of obligatory arbitration is more and more evident. We have new proof of this progress in the splendid proposition by President Taft to Great Britain and to France concerning obligatory arbitration. All this is very fine and it is very agreeable to explain about our plan, because when they say we are dreamers they really do not know our work. We are not dreamers at all. One of the most important things to which I called attention, during my long tour in this country where I have met a great variety of people,

those connected with universities, colleges, churches, clubs, all kinds of people, was this: I have said, it is very well to speak of war, the preparation for a war which nobody wants, but you have to finish the making of your country. I have said to those young fellows, "You have done a lot of very fine things but many, many other things are missing; for instance, you have no roads." And when talking with these young people I have asked them, "Do you ride a bicycle, or do any of you ride automobiles?" They were pleased and made reply, "Of course we do!" And then I said, "That is very fine! That means that you have very fine bicycles and very fine automobiles—but you have no roads!" Now that, of course, refers to constructive work. We are constructors, and it is because we want our countries, France as well as the United States, as strong as possible, because we want our countries to be as strong as possible in these great economic wars of the future that we want them to waste no time, no money, no men for the preparation of useless war. All this we have said.

But now what we want to follow, and what is perhaps most necessary, is this destructive work, this negative work, which I understand perfectly well that our friends find disagreeable but which is quite necessary; it is impossible to get rid of it. We have to fight ignorance, we have to fight mistakes and I could say sometimes—very often—we have to fight mischiefs! (Laughter.) All this takes a great deal of time, a great deal of trouble. For instance, how could I speak of building a new country, of preparing a fine education for future generations if I can believe and if my people, and if my audience can believe that war will come to-morrow?

When I landed in New York, and that is one instance of many, I was very much pleased to be on solid ground once more, after a very rough passage. I was met at once by about a dozen young newspaper men who were waiting for me; they directly asked me a very grave question. [By the by this morning my friend, Mr. W. J. Bryan, said that the newspapers are so glad to give you some exciting news, but let me tell you, my dear friends, as I have very often told my French friends, that the newspapers would not give you such very exciting news if you did not require it so much. (Laughter.)] When I landed at New York, these newspaper men said to me, "You choose a very bad moment to come to America to speak about peace!" And I replied, "Why?" "Because," they said, "we will soon have war!" And I said, "War? with whom?" And they replied, "With Mexico. This Mexican war, everybody knows that!" Of course I could not know that as I was just landing; but I said at once, "If there is a war"—because you notice that in the newspaper they never speak of a war, they

speak of the inevitable war, those two words are inseparable—I said, “If there is really inevitable war at the Mexican frontier, I think I shall really have to go, because I would like to see that inevitable war!” I went to the Mexican frontier. To make short, I could not find the slightest trace or idea of war. I found some serious disturbance; but we say in France “when we have a neighbor”—I do not know as you know it here, but you are sure to know it—we say, “we have some difficulties.” Well, it is so for you and it may be so for the other, but what I say is that a difficulty is not a war! But the newspaper men were certain. They were extremely surprised when I said that it is really very difficult to find a war when it exists only in the newspapers. “But,” they said to me, “it is because you do not know the situation very well, because you did not look behind!” Well, of course, I had not looked behind, and so I was obliged to inquire, “What is behind?” And they replied, “What is behind? It is Japan!” (Laughter.) Ah, well, you laugh, but then I just stopped laughing, because I knew very well that question much more than they believed. I must tell you now, we are quite amongst friends, and I must tell you I have been rather vexed for a long time with this so-called inevitable war between the United States and Japan. In France and in Germany, in Great Britain, I am very sure when they ask Parliament for new military expenses—well, it is not so easy now to have us believe that war is inevitable in Europe, because we are supposed to know a little about it and so we do not believe and therefore we could not vote. But what did they find? That was a little more complicated, but much more effective, for they said, “Ah, it may be that you will have no war in Europe”—they were a little vexed when they said that—“it may be you will have no war in Europe, but we are sure to have it in a very short time, and any man who knows about politics ought to know that we shall have war, inevitable war, between the United States and Japan! And the consequence is if you are a good patriot you will have to vote the necessary billions for building the necessary Dreadnoughts and all the expenses which shall be necessary for a great nation which has to be ready for the inevitable war—which will become a general conflagration.”

Now in regard to this inevitable war, when I reached the Mexican frontier, they said, the war was not there but was coming from Japan! And I said that the best thing for me to do, as I had not come to this country for the purpose of speaking only, but for looking and listening as well, so I said, “I shall go to the states that are supposed to be the best informed and which ought to be anxious about these attacks from Japan.” And so I went through Arizona to California, where

I remained about a week and addressed many meetings. Of course I had introductions to the best people of the state. Now it was really a case of conscience; I wanted to understand about the situation, not only for you, but for our country when I returned. Therefore, I said to my friends, "Now, would you tell me, please, about this war, this inevitable war?" And they replied, "Which war?" And they even did not like it very well, you know. But I explained to them and they took me to the people who were supposed to be a little more anxious than the others. Now I speak to you, not only as a friend, but as a brother, who fights with you and who would not like you to be deceived, I tell you that throughout this long campaign, which has lasted nearly three months now, during which time I have been addressing thousands and thousands of people everywhere from New Orleans to California, Oregon, Washington, Utah, Colorado and all the states of the Middle West and coming back East, everywhere; I saw many friends of mine and they are the witnesses of my efforts to find out in regard to this inevitable war; I said, "Can I find one man, one human being, who can speak to me of this so-called inevitable war between the United States and Japan?" I can tell you that I could find nobody—nobody. But of course you understand that I insisted on that question and I asked in all my lectures, everybody knew that I was anxious to find out about this inevitable war; I was not vague; and my remarks were published in the newspapers. I spoke at length about the question; I said, now I should like to discuss this question, and I shall ask it from my point of view, diplomatically. It is not enough to ask now where Japan, for instance, would find the necessary money for such a campaign, because that is the first question; but the pessimists, the alarmists do not even speak of that detail—the question of money—that is nothing for them, of course. But I said that supposing the United States would attack Japan and supposing they would have a complete victory on land and on sea; it would change nothing; Japan would remain as inaccessible as ever and still Japan would be perhaps stronger than ever, even if defeated, because the Japanese would have a kind of moral solidarity with all the other people of Asia if they were attacked. So it is nearly useless to speak of Japan being entered by the United States." And what did they say, what did the people who are supposed to know say? When they speak of it, or write of it in France or here in the yellow journals, they say that you do not know the Japanese government, that the Japanese are awfully clever and that they are waiting for an opportunity when the United States will be in a very difficult situation; that they have here everywhere, though chiefly in the West and Middle West, a lot of spies; these news-

paper men told me that I would find them everywhere; they told me I would find them in the universities, in the homes of the presidents and with the students, that I would find them everywhere, but chiefly in the lift. Indeed I must say that I found young Japanese everywhere, even in the lift and chiefly in the lift. And they said, "It is easy to recognize these Japanese, they are spies, when they hear something interesting that you say, what interesting secret you may say in the lift, when they hear that great secret, they at once take out their little book and they write the word, or they write something!" And indeed when I went there I found these young boys and I found chiefly young American men and they gave me at once the explanation. They were quite shocked to hear it because they were very good comrades and they liked their Japanese comrades and did not like them to be treated in this way. They said, "How can they say that? Those poor fellows often have no money; when they come here they are anxious to learn the language; for instance, they hear an English word that they do not know or something that they have to learn and of course they have to write it down. And so these Japanese who are taken for spies are only anxious to learn. That is really too bad." Why do they come here? That is a question I have been asked even in the Senate in France. Why do these people come here, the Japanese as well as the Chinese? Because the European governments are asking them to come. We have asked them to come, the Chinese as well as the Japanese. I can tell you a very good instance which you could certainly know as well as I as several amongst you have been good enough to come and see me in my country. We have in my own country,—the country I am representing in the Senate,—a very celebrated military school, The Pzytanée, and in that military school there are forty young Chinese students who have been sent by the Chinese government. Who asked for them? It was not at all the Chinese government; the Chinese government did not know we had that school. It was the French government who asked them. And then when these Chinese or Japanese go to America to visit the country, and visit it to try and understand it, try to learn whatever the people may say, can we believe they are spies? Indeed, nobody believes it except these yellow papers. What do they say? They say, whether they are spies or not, when the Japanese government will find that we have a difficulty, then it will seize the Philippines, the Hawaiian Islands and all the Pacific ocean—which seems so easy to those newspapers! And so I said to my audiences, that the Japanese people, as they are so very clever, will not stop there! Certainly they will take a few towns! Would it not be very fine to have something like a Japanese Gibraltar taken from your

shores! (Laughter.) And then, what about Panama? And the people all laughed at this. Why? Because they perfectly understood what I meant. I said, "Will you kindly only take a map?" For if you take a map, you will see at once that supposing the Japanese governments are as blind as possible, supposing the Japanese people are quite losing their minds in that they expect to follow such an imperialistic policy—but who can say they can dream of seizing the Philippines and attacking the United States and not at the same moment, even if they have a thousand treaties, at the same moment threatening Great Britain, the British possessions, from Singapore to Shanghai, it would be threatening the French possessions from Saigon to Hanoi, the Dutch, the German possessions, the Russian and Siberia; and then, as you know perfectly well, there is the yellow peril which economically is something we can speak of; but as you know this yellow peril is perhaps much more serious in Australia than in California. So that if you speak of this new policy in connection with Japan, you have to admit if they start fighting against the United States, they will have to follow that policy and finish by fighting Australia; that is to say all the world. I have really to ask who can suppose, who can imagine that a nation, that a government can be blind and stupid enough to start this kind of Napoleonic blockade. All these are ideas belonging to the past and impossible to speak of seriously. We quite understand that this reference to Japan's having the empire of the sea is nothing more than false conception, for the "empire of the sea" by any nation does not now exist and never will. The sea will belong and belongs to all nations just as the sky belongs to all nations. That is what we understand, all nations so understand it.

To come back to what I said at first, all this we can understand and are sure of it when we have time to think of it; but we may be deceived, we may be surprised, and that is why it is necessary that your education as well as ours is laid on a deep foundation. It is necessary that we fight more and more ignorance; these young people whom I have seen, they are all devoted to arbitration, they are all ready to support the policy of President Taft—but they may all be deceived if they have not received this education which we are now preparing for them. And that is why, Ladies and Gentlemen, that is why Mr. Smiley, that is why Mr. Chairman, you are doing really a good and great work. (Applause.) That is why I want to encourage you all, my friends, because I want you to stick to that work. As you have said, you have no right to go back; it would be a misfortune for all the world, it would be a catastrophe. You have done this when you sent the first case to the Hague Court which nobody would recognize; you have done it when Mr. Car-

negie gave the Hague Court its palace which nobody would pay for; you have done it when you asked for the second Hague Conference, and you are doing it now just the same when you are speaking of an obligatory arbitration. You are now leading that way, you cannot stop. There is no Mexican question and no Japanese question; they are simply dreams or lies, but these lies we have to fight against. That is why I know that you are here, not only a splendid gathering, but representatives of so many towns and so many states, that I am sure this work will be done because now you would not be so numerous, you would not be so attentive, you would not be so devoted if you had not all this feeling that you have a great duty to fulfill, not only a duty to your own country but a duty to all humanity. (Applause.)

THE CHAIRMAN: I have pleasure in presenting as the next speaker the assistant director of that great international institution The Pan American Union at Washington, a Venezuelan by birth and one who has held many appointments under his native government, Dr. FRANCISCO J. YANES.

PAN AMERICA AND INTERNATIONAL ARBITRATION

ADDRESS OF DR. FRANCISCO J. YANES

In response to the kind invitation of Mr. Smiley, I have come here representing the Pan American Union, an institution that stands for peace, good will, friendship and better understanding among its twenty-one constituent republics, twenty of which are of Latin origin, in the accepted sense expressing the descendants of the Spanish, Portuguese and French in America. The Pan American Union, formerly known as the International Bureau of American Republics, was created by the farsightedness of the states that attended the First Pan American Conference which met in Washington about twenty years ago, at the invitation of James G. Blaine, then Secretary of State.

The work of the Pan American Union, because of its very character as an official international institution, deserves to rank among the loftiest efforts made by man to better the condition of mankind. It represents the crystalization of a noble ideal, well worthy the co-operation of such men as President Taft, the man of peace; Secretary of State Knox, our Chairman, the advocate of arbitration; Elihu Root, the missionary of Pan Americanism; Andrew Carnegie, the benefactor of humanity, and the entire Latin-American Diplomatic Corps, accredited to Washington, members of our Governing Board, one of whom, the Minister of Bolivia, a scholar of rare discernment and breadth of mind, is here with us, and last, but not least, Director

General John Barrett, the standard bearer in the great Pan-American movement, an American citizen by birth, a Pan American citizen by common consent. (Applause.)

The subject of arbitration in Latin America, upon which I have been invited to address you, has been discussed at these conferences at various times by scholars and diplomats, well qualified by their learning and experience to enlighten the world on this important topic. This very morning Mr. Smiley in his opening address made a review of our efforts in Latin America for the progress of arbitration.

Pan Americanism and arbitration go hand in hand. Ever since the establishment of the Latin-American countries as free, sovereign states, arbitration has been urged and adopted in the settlement of their international disputes. Simón Bolívar, a Venezuelan, called the Washington of South America, as far sighted and keen a statesman as he was a military genius, was the originator of the idea of holding the first congress of nations of America, in Panamá in 1826, for the purpose, among other measures, of adopting arbitration as a principle of American international policy. The Latin-American countries attending the Congress of Panama, that is, Colombia, Central America, Mexico and Peru, signed a treaty of union providing among other things the amicable compromise between themselves of differences then existing or which might arise in the future.

Arbitration, as can be seen, is not new with us Latin-Americans, who have as the foundation of our social structure the civil law of Rome, which provides for arbitration as one of the ordinary and usual means of settling differences between man and man. I am aware that the courts in England and in the United States take cognizance of and enforce arbitral awards in matters of dispute between private citizens, but I understand that this method of settling disputes has never been current under the common law of England, and is more or less of an exotic, grafted from the civil law. Not so with us Latin-Americans, as this is an ordinary process, well recognized and much used, so that from our familiarity with the idea, its extension to the larger sphere of disputes between nations was a natural and logical outcome.

From the beginning of our war for independence, about 100 years ago, there are many instances of national differences settled by methods which were more or less in the nature of arbitration. In direct negotiation it has happened on several occasions that particular facts have been submitted to learned societies or individuals for arbitration, and upon such findings a basis has been established in many cases for amicable settlements of what might otherwise have ended in serious difficulties. In more recent years, arbitration and direct negotiation partaking often

of the nature of arbitral commissions, have been resorted to in the Latin-American countries, I venture to say, more frequently than in all the rest of the world put together, and the results of this arbitration have been more weighty many times over than arbitration elsewhere resorted to.

Let us take one subject alone, the subject of boundary disputes—the worship of the old Latin god *Terminus*. Let us briefly compare Europe and the Latin-American countries in this connection. The map of Europe at about the middle of the nineteenth century, say 60 years ago, is not the map of Europe to-day. If we except the Iberian and the Scandinavian Peninsulas and the British Islands, there is scarcely a country in central, western, southern or southeastern Europe which is to-day recognizable. The Kingdom of the two Sicilies, the States of the Church, the Italian Duchies, and the Austrian possessions in northern Italy, have been wiped out, and the Kingdom of Sardinia has developed into the Kingdom of Italy. Austria, the heir of the Holy Roman Empire, has been to a large extent pushed out of Germany, and, joined with Hungary, has spread to the south and east. France no longer extends to the Rhine. Nearly one-half of Denmark, the duchies, is now under the German flag. Bulgaria and Roumania have emerged from the shadow of the Crescent. Servia has changed her boundaries. And, greatest of all, Prussia, the Kingdom of Saxony, the Saxon Duchies, Bartenberg, Bavaria, Hanover, and the dozens of small states occupying all the north center of Europe, have joined together to make the great German Empire.

Europe has been remade; but these great changes were not the result of negotiations, except in a few isolated cases. It was war, bloody and costly war, which remodelled and remade Europe. The Crimean War, the Italian wars, the Hungarian War, the Danish War, the Austro-Prussian War, were all fought for territory, to settle boundaries. The Franco-Prussian War, although it had not on its face this purpose, yet resulted in a large accession of territory ceded by France to Germany.

Look at the Latin-American countries, on the other hand. Compare the map of the same period, sixty years ago, with the map of to-day. The picture made by the one is almost identical with the picture made by the other. With one or two exceptions, all the changes in the map of the Latin-American countries are due to the increased geographical knowledge of the interior of the country. The Latin-American countries, like the United States and Canada, were first settled along the sea-coast. The great interior was more or less unknown, and it naturally followed that territorial divisions were more or less shifting and indeterminate. Final settlement of frontiers were not really changes, but more or less accurate locations of what before was

undetermined. With the possible exception of the dispute for territory between the Portuguese Empire of Brazil and the Spanish Argentine Republic, out of which dispute grew the Republic of Uruguay, there has been in Latin America no war for territory. The only two great wars of South America have been the Paraguayan War and the Peru-Bolivia-Chilean War. The first was not fought for territory, nor can it be justly claimed that the second was, though the result of the war, as in the case of the Franco-Prussian War, was that Chile acquired territorial accessions in the nature of an indemnity.

The Republics of Latin America are the old Spanish, Portuguese and French vice-royalties, *audiencias* and provinces, as far as they were determined. Not one of them claims one foot of territory except as derived by inheritance from the old Spanish colonial divisions, necessarily more or less undetermined. But let us see what arbitration and direct negotiations, in most cases amounting to arbitration, have done to settle these boundaries.

Mexico has settled all its boundaries by arbitration. So, for the most part, have the Central American republics, the dispute between Panama and Costa Rica being in the nature of exact determination of the meaning of an arbitral award. The boundaries between Colombia and Venezuela have been settled by arbitration, and what differences remain will soon be disposed of by direct negotiations. The boundaries of Colombia with Peru, Brazil and Ecuador have either been settled by arbitration or are in process of settlement. All of the boundaries of Brazil except as mentioned, and including those with Uruguay, Paraguay, Bolivia, Venezuela and the Guianas, have been amicably settled. Bolivia, the country next to Brazil inheriting the greatest boundary difficulties, has settled every one of them. Argentina and Chile have come to an agreement involving very difficult principles of law. There are to-day two important boundary disputes in process of discussion,—that of Ecuador and Peru and that of the Dominican Republic and Hayti. Both questions, it is hoped, will soon be submitted to arbitration following the example of the other Latin-American sisters and neighbors.

It would be impossible to conceive of a situation so abounding in danger and so liable to lead to war as the Latin-American boundary situation of 100 years ago. Almost every boundary was then undetermined for natural and historical causes, but yet, quietly and peacefully, without war, without bloodshed, these boundaries have for the most part been settled amicably, and in the spirit of modern progress, not under the reign of Terminus, but of the Christ of Peace that crowns the Andes.

The number of cases submitted to arbitration by formal agreement to which American nations were parties, from 1794 to 1910, amounts to 180, according to John Barrett, in his work "The

Pan American Union, Peace, Friendship, Commerce" (Washington, D. C., 1911). The same authority gives also a list of 36 treaties applying exclusively to boundary or territorial claims, entered into by the Pan American countries from 1857 to 1910. The number of treaties containing arbitration clauses, to which the American Republics have been parties, is 140, and the list of general arbitration treaties concluded by our countries since the first Hague Conference, numbers 40. Where in all the world can the same be said? Have we not a right, then, to claim that we of Latin America are the leaders, the pioneers, and the principal adherents of this doctrine of arbitration, which seems to most of the world a new, strange and untried doctrine? To us it is old, well-tried, well-known, well-loved, and inground in our legal, our social, our educational institutions, and in fact is a part of our very nature.

Could there be found a better, a nobler example of allegiance to a principle than the erection of a statue of Christ on the loftiest peaks of the Andes, on the boundary line between Argentina and Chile, as a pledge of brotherly love, as an eternal monument to arbitration? There at Uspallata, at an altitude of over 12,000 feet, there stands with arms outstretched, peace in his noble features, the Lover of Mankind, Christ the Redeemer, cast in bronze from the cannons of two sister republics which averted war over a territorial dispute by recourse to arbitration. (Applause.)

THE CHAIRMAN: It is characteristic of the scope of this Conference that we are now to let our interest run from problems of Latin-America to the viewpoint of people who dwell on the ancient plains of Iran. I have pleasure in presenting as the next speaker MIRZA ALI KULI KHAN, Chargé d'Affaires of the Persian Legation in Washington.

THE CONDITIONS OF UNIVERSAL PEACE

ADDRESS OF MIRZA ALI KULI KHAN

It is with great pleasure and gratitude that I stand here before this distinguished gathering to contribute a word to the great message of peace and human unity which is the main gospel of the present century. To my mind, such gatherings and serious efforts put forth through them, constitute the noblest constructive feature of modern civilization.

The aim of the peace advocates of the present age is so lofty and all-embracing in its scope, that it is beyond the ken and view of the professional utilitarian and the so-called "practical" man of affairs to comprehend it. He, in his self-centered attitude and one-sided utilitarianism sees no use for what seems

to him an intangible dream with no possibility of realization in the immediate present. It is in the rank and file of such individuals that the universal peace movement finds its chief opponent. This proves that the morn of peace which has dawned in this present age is not yet wholly free from the dusk of pessimism and selfishness which darkened the bygone ages and withheld man from that noble destination. I am, however, determined in the belief that the fiend of darkness is enchained once for all, and that the angel of light is shedding his rays of beneficence upon the world of humanity.

While in the past ages, the idea of universal peace found shelter only in the breast of the philosopher, sage or mystic, to-day it has enrolled some of the foremost statesmen, and world-builders in its ranks. The view of the world is so expanded and enlarged that they do not consider a philosophical truth as the foe to a practical fact. The wise man of to-day does not associate the idea of world peace with a beautiful but empty dream. He does not deal with a millenium too good to come. He sees the peace of the world as a day already dawned and on its way toward the zenith of full realization. He finds the millenium already here, whose full unfoldment depends upon the combined activities of men of intelligence and foresight.

There is already enough evidence in the work already accomplished by the peace movement to justify our hope in the final triumph of universal peace. The critic who calls us mere dreamers is as completely devoid of foresight as the man who should ridicule the idea of an acorn being capable of ever becoming the century-old oak. Such critics ignore the ideal and demand an immediate reality, forgetting the fact that any reality of a permanent value originated from some ideal of the past and needed a slow process for its development. Such "practical men" are prisoners in the cell of their own imagination. The lovers of peace should pass them with indifference or treat them with patience. They should remind them of the fact that, while for 6,000 years all human civilization and organization of human activities were built upon the foundation of might, it is not the work of a day to substitute the foundation of right and justice in the regulation of human affairs. The greatest fact we claim for the present age—which should satisfy the most fastidious logician—is that the signs of the times are in favor of peace and assist every step in its promulgation.

The view expressed by the Persian poet, Sadi of Shiraz, in the very din of the battles of the second century of the Crusades, that "men are parts and parcels forming the same body," is to-day the view of all enlightened men, and commerce and political economy have proven in a thousand ways that the

higher prosperity of humanity depends upon the higher prosperity of every individual and nation.

To further explain my view, let me call attention to the similarity between an individual man and the humanity at large, and to the identity of needs and influences governing both. Man, at his birth and childhood shares with the animal in being guided by the principle of self-preservation. He is solely concerned with self-interest, and sees the happiness of self in the unhappiness of others. This selfishness is, however, gradually tempered and more or less eliminated through education and experience. With the approach of maturity and manhood his ambition is transformed into one which is not only concerned with his own happiness, but with that of his neighbor and of the community in which he lives. Here is where he is born into the citizen who finds his own welfare dependent upon the welfare of his fellows.

Let us now apply this illustration to the larger man—that is, humanity:—In the beginnings of history, we find humanity in the state of childhood. Every section, therefore, is in constant conflict with the other, and in that struggle for existence is seen the survival of the strongest. The welfare of one community depended upon its separation from the other, and its chief happiness could only be realized in its exclusion of the rest. When a Moses appeared to deliver an Israel from the Pharaonic tyranny and to establish it in the land of promise, the means used to that end were solely adapted to the deliverance of his people, with no regard for the welfare of the surrounding stubborn nations. This was no one's fault; it was the humor of the times which made it necessary. To save the community from the contagion of idolatry, the least contact with the neighboring idolatrous world was to be discouraged and forbidden. This tendency was not, however, confined to the Jewish race and its leader. The Gentile world of Antiquity showed this tendency with even more severity. This sense of exclusiveness was also so pronounced in the Hellenic people that even the universal character of Grecian culture could not conceal it. There were, however, some men in those days who saw in the various nations the capability of joining forces and producing eventually a whole body called "united humanity." Inspired by this spirit, they prophesied peace and harmony and taught of the coming of a millennium.

With the lapse of ages and centuries, humanity advanced higher in its march through various stages of growth until at last it arrived upon the threshold of maturity. Little kingdoms united into the empire, and the empire of old became converted into one whose component parts were bound together, not through the iron will of one despot, but through the tie of com-

mon political and economic interests. This spirit of unionism which is now in its infancy will eventually assume a broader aspect and develop the principle of universal justice which is the foundation of the peace of nations. That this era has at last dawned, and that the age of reason has supplanted the age of sheer force is seen in the combined effort of the great men of all enlightened races in their advocacy of courts of arbitral justice for the application of a uniform code of international laws.

It is to the credit of the American nation that it is foremost in the race for securing international comity, and that it has shown practical results in its effort to awaken the sense of justice in mankind. The very Constitution and form of government of the United States are among the best examples to be followed by those who dream of a federation of the world; while the Supreme Court of the United States is the best judicial body to stand as model for the creation of a world court of arbitral justice.

Another American example in proving to the world that nations are capable of being brought into closer contact for the promotion of certain uniform plans, is the creation of the Pan American Bureau at Washington. This stroke of American statesmanship is a living testimony of the fact that even racial, religious and climatic differences cannot oppose the principle of human solidarity.

To make a universal application of the above principle of justice, it is the task of the peace movement to introduce it in the educational programs of the world. This will awaken man to his full responsibilities as a member of a body much greater than the community or nation. Such a constructive program for the promotion of peace should exclude no race and people. It should recognize in every community an integral part of the whole scheme. The term "civilized world" should be broadened to embrace all mankind. As long as the strong is allowed to promote his selfish end and shield his wrong-doing under a plea for the spread of civilization, and as long as the less fortunate body is made subservient to the wish of his more successful aggressor, our hope for the peace of the world will fall short of realization. The day has passed when one man or a body of men could deem himself or themselves a self-appointed guardian of another. Were such a tendency of self-expansion to be tolerated by the enlightened public opinion of our time, it would sooner or later repeat the bloodshed and tyranny which was the curse of the dark ages.

The peace movement should organize a mobile body of investigators to travel throughout the world, to look into the grievances of the weaker nations and to report on the actual

facts with fairness. This would prevent the voice of the oppressed from being drowned in the uproar of the stronger who coins logic to justify his oppression of the weak. Such complaints of the weak should be allowed to reach the ear of the world peace movement. They should not be passed with indifference, or mistaken for an expression of local discontent. To involve nations in war, no cause is too insignificant and history recalls that many wars started from trivial causes emanating from unimportant localities. To safeguard the rights and interests of the weaker nations is to preserve the balance of power upon which depends the peace of the world.

To create and adopt an international code of laws is the sole guarantee for international peace. But as nations have not yet reached the level of universal justice, the creation of an international police force to insure the fair application of those laws is requisite.

A permanent peace can be the result of such educational and practical procedure. To argue that the increasing of armaments is the sole means for the prevention of war is plausible, but a peace obtained through such means should not satisfy the peace workers of the twentieth century. An appeal to the moral sense of humanity, and not to the sense of fear in man is necessary. Until the animal rapacity in man is conquered through the unfolding of his moral nature, all attempts to force him into peacefulness will have no permanent value.

Referring again to the necessity of obtaining correct information in regard to certain countries, it is appropriate to make here a few timely remarks. We allow that when all nations are brought to the standard of independence and freedom which is the chief benefit of the western civilization, then the world will be brought upon a higher level of fellowship and understanding. But there are still men who look upon certain other nations as incapable of absorbing the civilization of the West. Such men ridicule all attempts to credit the weaker nations with the ability to accomplish what their own nation did in the beginning of its history. They even refuse to study events from a just and impartial point of view, and persist in their belief that the verdict of the interested party as to the nation in question is the truth. As a concrete instance, I call attention to a statement which I hear was made the other day by a Philadelphia editor before the Peace Conference at Baltimore. The wise editor classed Persia with Morocco and called Persia a "derelict nation" whose happiness depended on being placed under the guardianship of some stronger power. It is to the credit of the public of the present age that it refuses to refer to such ill-advised or uninformed editors for information. If the above editor's remarks were due to ignorance it is unworthy the name

of his profession to pronounce upon a matter of which he has no exact knowledge. If it was prompted by malice he should be reminded of the early periods of his own country's independence when the noble efforts of his fathers in recovering their birthright and laying the foundation of a great commonwealth were similarly slighted and misconstrued. Not to refer to the great wealth of art, wisdom, and culture, which Persia has contributed to human civilization for thousands of years, the achievements of the Persian nation during the last few years in destroying despotism and establishing a liberal government based on popular will is an injustice patent to every unbiased student of current events. The present Regent of Persia is a great Oxford scholar and, as a man versed in the principles of modern government, ranks with the greatest rulers of the world. The young Parliament of Persia has shown such a wisdom and intelligence in advising just laws and safe-guarding the independence of the people, that it is a source of great astonishment to all far and near. The religious teachers who were formerly the bulwark of the old regime are among the strongest supporters of the modern spirit, and they are now, by their solemn decrees, enjoining upon the people the duty of upholding the new order of things. The new regime has given a great impetus to the education of the masses. Hundreds of modern schools have been established and the people in general show a great eagerness to acquire modern learning. Even the women, many of whom fought in men's garb during the recent revolution against the hosts of absolutism, though veiled from men according to the custom of the land, are participating in the enlightenment that is spreading over the country. In the very teeth of the temporary need, inherited from the extravagance of the old regime, over 30 schools for Persian girls have been founded by private subscriptions and many Persian young women now speak French and English, while a few years ago hardly one of the middle classes could do so. And last, not least, is the modern Persian press whose development is the most remarkable feature of the past five years in Persia. Its articles advocate with perfect freedom the principles of constitutional liberty and explain the sources of progress in other nations. One of the progressive causes of the Persian Government in working the regeneration of the country is the engaging of foreign advisers to assist in the reorganization of the Departments. The most important of these were the five American Financial Advisers whom I was instrumental in engaging for my Government.

The wisdom and foresight of the Persians was even shown in the severest periods of their revolution in the great efforts exerted in safe-guarding the life and property of all foreigners resident in that country. For it is a fact that no foreigner

suffered any loss of life or property during the revolution. When one takes note of these great changes in Persia, and realizes that Persia contains some of the greatest mineral deposits and industrial resources of the world, it is not difficult to believe that within a short period of years that country and that nation will rank with the greatest people of the world and prove a larger factor in the preservation of the peace of the East and West. And if culture and refinement are the best means to develop the minds of men into a desire for peace and fellowship, it is to be remembered that from time immemorial, the culture and refinement, and the artistic spirit of the Persian people have contributed to the founding of many civilizations. Emerson, the American philosopher, bears testimony to this when he says that the Persians have, during long periods, refined and civilized even their conquerors.

In closing, let me join with all the lovers of peace, in the prayer that the spirit of altruism and fair play, which reigns in this Conference, may so increase and expand that it may become the atmosphere of the whole world, in which the people of the East and West, North and South, may breathe the fragrance of good-fellowship and consume all racial, religious, and national differences in the fire of the love of that Supreme Being Who created all men after His own image, and quickened them with His own breath! (Applause.)

THE CHAIRMAN: I now have the pleasure to present a gentleman who, for ten years, rendered honorable service to the United States as Minister successively to Peru and to Chile, Hon. JOHN HICKS, of Oshkosh, Wisconsin.

THE GREAT NORTHERN PERIL

ADDRESS OF HON. JOHN HICKS

Charity begins at home. When we are discussing the best methods of preserving the peace of the world and cultivating amicable relations with other states, our first duty is towards that group of republics that lies to the southward on our own continent. I have been requested to say something about the best means of establishing a system of arbitration with our southern neighbors and, as a preliminary I want to call attention to certain facts that have a bearing on the subject.

During the past five hundred years, the political, social and economic position of the ordinary man has been undergoing a great evolution. The common man who makes up the bulk of the population of any country has been developed from a condition of serfdom to that of sovereignty. Instead of resting in a state of stolid satisfaction as a chattel or retainer in the interest of a wealthy baron, he now takes a more or less active part

in the affairs of government and enjoys the protection of the laws governing life and property to an extent that was absolutely unknown a few centuries since.

Tracing the growth of this prodigious change in the old world, we find that two great forces have been at work, one derived more or less directly from the teachings of the Roman empire and the other from the British islands. The one typified the purely military form of government, that conception of the human intellect that starts with the assumption that men must be ruled from above, that they are always children, necessitating a perpetual tutelage, and that a kingdom or commonwealth is well governed when it has wise and capable rulers. Under this system the people in the lump have little or nothing to say about making of laws or originating measures of government because those things belong entirely to the ruling class.

Quite different is the Anglo-Saxon conception of the rights of man. Slowly, imperceptibly and working against great odds there arose the theory that every man, however poor, was entitled to the protection of the law and no man, however wealthy or powerful, was exempt from the law's demands. The student of history need not be reminded that it is only a few years since this idea became thoroughly established and accepted by courts and governments in the interest of common humanity. Resulting from this basic truth came the corollary that if the common man, the great mass of mankind, was entitled to the protection of the law in his person, his life and liberty, then the law-making power must consider his interests in all matters of legislation. From that moment began the great movements that have served to improve and elevate the individual and restrain the unlimited power of the petty chieftain, the army and the king.

It must not be understood on the one hand that the Anglo-Saxon ruler acceded willingly to the demands of his people in their efforts to improve their condition, or, on the other, that those people who drew their law and their antecedents from the Roman empire continually oppressed the lower classes.

British history is one long record of fighting the fight of the lower classes. First it was the barons against the king and then followed the great contest, still in progress, of the mass of the people against their rulers, the effort of the common man to gain something like an actual equality before the law.

So the influence of the Holy Roman empire upon the development of continental Europe has not been entirely on the side of oppression. As an example the condition of Germany to-day is so prosperous and its people stand so high in the scale of civilization that it will compare in most respects favorably with any other country in the world. The merits and demerits of a

purely military form of government need not be discussed here, but I simply want to call attention to the fact that under the Anglo-Saxon idea of government, power is with the people and the people delegate their power to their rulers, but according to all antecedents derived from Rome, power comes from conquest, power is with the government and the people exist only to be ruled.

In the one case, power originates with the individual and extends through combinations of individuals to the government and is the government. In the other, power comes from above, power is exercised by individuals specially designated from above and the great mass of the people have little to say in matters of government.

When the American continent was settled, it drew from Europe men who were imbued with the two radically different theories of government. Cromwell and Charles I. were not more radically opposed to each other than were Thomas Jefferson and Alexander Hamilton. The organization of the American government and the adoption of the constitution were accomplished only after a long and acrimonious struggle between the partisans of the two systems.

But that portion of America extending southwardly from a line drawn across the continent connecting Charleston, South Carolina, and San Francisco, California, to the extreme southern limits at Cape Horn, was conquered and settled by a hardy and intelligent people who had inherited their antecedents from ancient Rome. For centuries their country in Europe had dominated the continent, their ships had ruled the seas and history shows no parallel to the wonderful conquests which they made in the new country that Columbus had given to the world.

It was Spanish rule perpetuated in America and when independence was established the president took the place of the Spanish viceroy and the trappings of royalty were transferred from the viceroy to the head of the new republic. The president continues to live in a "palace" and is usually accorded the honors of royalty, the court house is the "palace of justice" and the army does duty as police in every city.

Starting at St. Augustine the traveler in his tour to the west will find evidences of the Spanish occupation all the way until he reaches San Antonio, El Paso, Los Angeles, Santa Barbara, San Francisco and Sacramento, a list of names testifying silently to the influence of the wonderful people who first began the work of civilization on this continent.

But from the Rio Grande southwardly to the frozen waters of the Antarctic ocean we find the whole country still dominated by the Latin races. Influenced largely by the revolution of 1775 against Great Britain, the Spanish colonies overthrew

the power of Spain in the early part of the nineteenth century and the one large colony deriving its antecedents from Portugal became an active republic as late as 1889.

In all this vast territory a struggle has been going on for the past century the like of which we can hardly understand. It is a struggle not exactly to place new wine in old bottles but a contest to adapt the principles of the Latin government to a popular democracy, an effort to make the Roman Civil Law do the work of Magna Charta, or in other words, to construct a government by, of and for the people in a country and under conditions where the people by nature and antecedents have very little to say.

I have the very highest regard and respect for the excellent men who are engaged in this work. I believe that in their patriotic endeavor to accomplish the task they deserve the sympathy of the world and when we compare the condition of any of these republics to-day with what it was a century or even half a century since, we can see that great progress has been made.

In any effort to build up a popular form of government, the character of the people must always be important. Every one of the Latin-American republics has taken the American constitution for its guide and every one looks to the United States as its model. But all the Latin people inherit principles of government that are extremely difficult to harmonize with the theories of the declaration of independence. Fully as discordant and difficult of assimilation are the principles of the Civil Law which forms the basis of all jurisprudence in the Latin States. Our ancestors fought many generations to establish the right of liberty typified in the writ of habeas corpus. Yet, the Latin people know nothing about it. We consider the right of trial by jury as one that is as inalienable as the right to live, but our neighbors who work under the Civil Law get along very well without it. So with oral testimony in open court which we consider of the utmost importance to the administration of justice. But in a suit at law, civil or criminal our neighbor in Latin-America makes his statement before a notary public and lets it go at that.

As Americans, most of us have grown up happy in the belief that our way is the best way and any way that differs from ours is inherently wrong. In nothing is this shown more clearly than in matters of government. Theoretically, the American people are the freest in the world and the American citizen has the greatest amount of liberty of any man anywhere. Practically, human life, liberty and the opportunity to do as one pleases are all better guarded in England than in the United States. A man's rights in a street car are looked after better

in the decadent city of Rome to-day than in the progressive city of Chicago, and most of the Latin-American republics have an educational qualification for their voters, whereas such a thing is practically impossible in the United States.

When we are discussing the influence of the Civil Law and the antecedents inherited from the Roman empire we must not forget that a very large portion of the human family has lived for a thousand years and is now living under those influences. That those people have prospered in all the relations of life, that they have produced some of the greatest names in the pages of history and the mass of the people have lived happy and contented lives must not be forgotten by the enthusiastic friends of popular government.

Said an American philosopher to me when I was in South America: "These Latin people are naturally clever in all matters of government and they are the personification of courtesy and good manners. With them the graces of the higher civilization are a matter of inheritance. Of all the Latin people the Spanish are more clearly the direct descendants of the old Romans than any other Latin race. The ancestors of these people two thousand years ago were the poets, orators and philosophers of ancient Rome, while our ancestors were roaming the forests of northern Europe in a state of semi-savagery."

In their difficult and discouraging task of developing a popular form of government under unpropitious circumstances, these people deserve our sincere sympathy and all the assistance it is possible to give them. This is so plain a truth that it sounds trite and common-place. Most of us without reflection will say that they have always had our sympathy and our assistance and we have always stood ready to help our Latin sister republics whenever they needed help.

Our Latin-American friends are too polite and too circumspect publicly or frequently to make known their fears or to say much that will shock the prejudices of their North American neighbors but the fact is that the black spectre that is always before them is the dread of the great republic of the north. From Mexico, Central America and Cuba in the north to Venezuela, Uruguay, Argentina and Chile on the south, there is the same nameless feeling of apprehension that their political life is always in danger, that it is only a question of time when the United States will deprive them of their political existence. Like chickens in a barn yard, they are in a state of chronic terror lest the great North American eagle shall pounce upon one of them and carry him off.

When Mr. Root made his memorable tour in 1906, a group of citizens in one of the Latin republics was discussing his arrival. "What is this man coming for?" asked one. "I'll tell you,"

said another. "He is going to look us over to see which of us shall be annexed first. His object is to gobble all of South America and sooner or later it will be done."

They are intensely patriotic. Every intelligent citizen of a Latin-American republic loves his country and is proud of his country's history. He believes his laws are the best, his courts the most perfect, his statesmen the most talented and his poets and authors the most brilliant in modern literature. Naturally these people will fight to preserve their rights, and, in their intercourse with the great nations of the world they are always anxious to secure all that is due them.

This dread of aggression on the part of the United States poisons all the relations between the countries of the north and south and is at the root of the malign influence that has always existed in business circles against American commerce. Those people feel that if the North Americans are encouraged in a few years they will practically own the country and the only safe way is to throw their trade to German or English houses. The president of one of the South American republics gave a contract to build a line of railroad to the representative of a Belgian corporation, saying: "I do this because I know that your government will not try to annex us. I would not feel safe with the North Americans."

These people have long memories. Among themselves they tell about the conquest of Mexico, when a vast empire north of the Rio Grande was sequestered to add to American territory. In the fortifications at Monterey, the guns for fifty years were pointed toward the north. They recall the war with Spain and the annexation of the Philippines, Cuba and Porto Rico. And they get the greatest amount of proof from the action of the United States in its diplomatic contest with Colombia when suddenly and without warning a small section of that republic containing less than 200,000 inhabitants was organized into another republic, diplomatic agents were exchanged and a contract for the construction of the Panama Canal executed and delivered, all within the space of a week. They are beginning to realize the full meaning of the words used by one of our greatest presidents in regard to the transaction: "If you want to get ahead of your Uncle Sam you've got to be mighty quick on the trigger."

The history of the diplomatic relations between the United States and the Latin-American republics in the past fifty years will show that the fears of these people are not entirely groundless. In order to get a thorough understanding of the subject let us keep clearly in mind two propositions:

1. The republic of Uruguay, Argentina, or Nicaragua is a nation with full authority to manage its own affairs exactly

like Great Britain, France or Germany. We recognize its status by receiving from it a diplomatic representative and send to its capital a similar agent. The other nations of the world do likewise.

2. There is nothing in the American constitution or in the law of nations or of congress or in any treaty or convention by which the American government can exercise suzerainty or a protectorate over the Latin-American republics. We may have the power to interfere and intimidate, but let it be clearly understood every time we do it that our acts are entirely without color of authority and in direct violation of law.

Suppose in one of these republics two contending parties in a presidential election fail to agree and civil war breaks out. Are we justified in sending our navy to set up one of the candidates as the legal ruler and turn our guns upon his opponent? We have just as much right to send an army into Canada and take part in the internal affairs of that country, but would we do it?

With one of these republics a short time since a question arose over the collection of a private claim of doubtful value. American interests were only remotely involved because the claim originated with a corporation organized in the country having as one of its stockholders an American citizen. The authorities were ready and willing to settle for an amount that had been legally determined by its courts, but the heirs of the deceased American demanded more. Although the authorities offered to take the question to the Hague tribunal for an amicable adjustment, the proposition was refused by the American government which immediately issued its ultimatum. "Unless the claim is settled within ten days, the American minister will be withdrawn and all diplomatic intercourse suspended." But the authorities would not be intimidated and politely held their ground. They refused to pay the claim and again suggested that the question be submitted to arbitration. At the same time they cabled their minister in Washington to hold himself in readiness to demand his passports and steps were taken to mobilize their little army and navy. As a consequence, the Department of State was compelled to back down. It accepted arbitration and withdrew its minister to another field, because his usefulness was ended at that post, but diplomatic intercourse was not broken off.

Would our government take the same ground in trying to collect a private claim against Great Britain, France or Germany? Can any intelligent American citizen feel proud of the action taken by the Department of State or be surprised if a feeling of enmity and cordial hatred exists in that republic against everything American?

Recent instances of this kind are so numerous that it is unnecessary to mention any more to show that the Latin people have some reason for their fears. A century of independence has developed a class of diplomats in the Latin-American republics who possess talents of a very high order and at least two of them have written text-books on the law of nations which have been accepted by the great powers of the world. It is not only humiliating to them but a most egregious blunder on our part to treat with them as if we were superior to all law and they were recognized only to receive our commands.

Coincident with this policy on our part there has grown up a curious belief on the part of our citizens residing in the Latin countries that "An American citizen can do no wrong." Whenever an American is arrested and imprisoned, a great cry goes up that the American flag has been insulted and frantic calls come to the State Department that his release be demanded. The question of his guilt or innocence is very rarely raised.

When I was residing in one of the southern republics, in a diplomatic capacity, an American citizen was arrested on a charge of arson and put in jail. I was immediately surrounded by a mob of his friends who demanded his freedom. "An American citizen is in jail. He must be released."

Several years since I was in Washington in consultation with the chairman of the Foreign Affairs Committee of the Senate. Another American citizen in one of the Latin-American countries had taken part in a revolution for which he was arrested and sentenced to death. His sentence was afterward commuted to a fine of \$10,000 and the man was released. Said the distinguished lawyer who was at that time at the head of the committee to me: "Was not this man an American citizen? Wasn't he arrested and fined?" "Yes." "Well, that's enough." He favored the American's claim for \$100,000 damages.

A very pointed illustration of the truth I am trying to establish was given a few years ago in one of the Central American republics. A dangerous revolutionist en route to Panama was on board an American steam in the port of San Jose, having shipped at a Mexican port. The authorities of the country wanted to arrest him for it was well known that he was plotting to overturn the government and he was charged with murder. As the ship was within the three mile limit, the authorities had a legal right to arrest him, but they were polite enough to ask the consent of the American minister. The Minister was an able lawyer and an honest man and he readily gave the desired permission. An officer went on board the ship to arrest the revolutionist who drew a revolver and was promptly shot to death by the officer. Then came a cry that could be heard from the Atlantic to the Pacific and from the Gulf of Mexico to

Canada. "A refugee seeking liberty has been murdered under the American flag. His death is an outrage and our glorious flag has been insulted." So great was the excitement that the President, one of the ablest men who ever occupied the White House, was forced to reprimand and remove the Minister in disgrace. The poor man had done only his duty but his harsh treatment affected him so badly that he returned to his home and died in six months. English and German ships in the Pacific ports are continually searched for refugees who, if found are arrested, and no protest is ever made, because the process is entirely legal and proper.

As a nation we need instruction in the elementary principles of international law and we should learn the primary fact that an American citizen in a foreign country accused of crime must stand trial exactly the same as a native and all that the American government should do for him is to ask a speedy trial.

It is also well to bear in mind that if the republics to the south of us are really nations with the autonomy that goes with independence, they must be treated in every respect as nations. In the mixed relations existing between the federal government and the states of the American union, there is always more or less friction, but we rely upon our courts to rectify all mistakes. In our relations with the sister republics of the south, the burden rests upon our government to see that no canon of the law of nations is violated. We stand as an example of honor and national integrity to the other republics, and every American citizen is interested to see that the national honor is preserved.

No policy will ever be acceptable to the American people that does not accord to each of the southern republics all the powers of a nation and when the Latin-American people feel that we have for them exactly the same friendly regard that we have for other nations, we shall have made a vast advance in their good will. Above all, let us impress upon them that we want no more territory, that our purpose is to help each one of them to maintain inviolate its own powers as a nation, and that we have exactly as much respect for the law of nations as for our own laws.

When this is accomplished arbitration will come as naturally as the succession of the seasons, and the thousand and one pretexts for war will be swept aside.

The mysterious feeling of dread and dislike that has prevented a closer commercial and business union of the two sections will vanish before the sunshine of good will, and all parties will be mutually benefited. (Applause.)

THE CHAIRMAN: We are now to have the pleasure of hearing from the founder and head of the International Institute of China, Dr. GILBERT REID, of Shanghai. (Applause.)

CHINA AS A PEACE PIVOT

REMARKS* OF DR. GILBERT REID

I am the insignificant mouthpiece of a large proportion of the population of the world, unrepresented in any other way at this distinguished gathering. I am not appointed by any organization in this country to go as a missionary to China; I am appointed by an organization in China representing the Chinese and persons of every nationality in China and I am here under their appointment, as their representative. I thank you for giving me a chance to say a word in behalf of poor old China!

You have had your eyes directly gazing at Great Britain, France, Germany, with a side glance at Japan, and yet, if I understand the situation of the world to-day, there is more need in China than anywhere else for the principle of fair play, of international justice, lying at the basis of international peace and universal brotherhood, in our relations with that people, and there is more danger of war, of turmoil, of hatred, of revolution, of bloodshed, of confusion—the opposite of peace—right out there in China, not only among the Chinese but with China in her relations with the other nations of the world and among these nations in their settlement of the questions with China.

I had the pleasant experience of passing through the Boxer uprising of 1900, which from the Chinese standpoint was a war declared by imperial edict against the nations of the world, and for which three hundred million dollars were placed as the punishment upon the barbarism and the folly of such a war, an amount of money which ought to be diverted to commercial, industrial, educational, political, social, economical reforms, for the uplift of the empire, but which is now paid to the Christian nations of the world, and to Japan. And why that war? The outcome of injustice, highhandedness, spoliation, encroachment, intimidation, bulldozing, by the Christian nations of the world on China, unable to resist on her part, but rising with a tremendous feeling of righteous indignation against these nations and bringing about that awful cataclysm of 1900. So much for ten years ago.

To-day China is at the turning of the roads; which way shall it be? Shall it be the policy of this Conference, of the sentiment of our Executive of the nation, of the rising spirit of the Christian nations of the world, and of the Christian churches, and of the followers of all the Religions, or shall it be the

*Delivered at the fifth session.

policy of a strong faction of the strong Powers of the world-militarism? She is at the turning of the road. China by her own preference could be persuaded to adopt peace methods of mediation, courteous and just negotiation, and finally arbitration, in case of failure of negotiation—she is ready to do it all. No blame to China if there is failure there. But if she cannot have the opportunity to preserve her rights, maintain her autonomy, hold her own territory, preserve her own inheritance, by courteous, just negotiation with the representatives of the nations of the world, and has no chance for arbitration, then, “Turn round,” is the message to China, “turn your five hundred thousand soldiers into ten million soldiers, and show these nations that for their highhandness of the last decade, you will have the power to resist them, not by the barbaric methods of massacre and slaughter of 1900, but by the civilized methods of modern warfare learned from the West.” That is the situation to-day, and would to God that the sentiment of this Conference and the public opinion of America and of Great Britain and of France, and of the other nations, might be so strong that no government would dare to infringe on the just rights of China, weak as she is to-day, and needing the help of all the nations of the world in the development and progress and reform of that great Empire with her splendid civilization, with noble ethical systems, with splendid philosophical and religious ideals, and with a history that outmatches the history of the other nations of the world, but rather that all governments would lend her a helping hand to work along the lines of peace. I have been engaged on that line for several years,—inter-racial harmony and friendliness; international harmony and friendliness; harmony and friendliness among different religions, not simply different denominations; harmony and friendliness in agricultural and commercial interests, and harmony among those interested in the cause of education, of the old and the new learning, and we have in this organization which I represent the harmonious and friendly co-operative spirit illustrating the practical effects of universal peace. (Applause.)

The Conference then adjourned until the following morning.

Third Session

Thursday Morning, May 25, 1911

THE CHAIRMAN: We have this morning three topics for discussion; First, An International Court; Second, Unlimited Anglo-American Arbitration; and third, A Century of Anglo-American Peace.

To introduce the important subject of An International Court, the Chair has pleasure in calling upon Hon. WILLIAM DUDLEY FOULKE, of Indiana.

ARBITRATION THE SHORTEST ROAD TO INTERNATIONAL JUSTICE

ADDRESS OF HON. WILLIAM DUDLEY FOULKE

At last, my friends, the cause of peace is receiving a more practical solution than it ever has before. We are confining ourselves now to the two things in which results are almost immediately obtainable—in the first place, to general treaties of arbitration, to be followed by the establishment of an international court of justice. Up to the present time we have scattered our forces too much. There have been efforts toward immediate disarmament, or the reduction of armaments; there have been efforts to secure neutralization of territory, efforts for the propagation of peace principles. All those have been useful, all desirable, but we have failed to concentrate our attention upon the things which are immediately obtainable and practical to the last degree.

We hear a good deal of talk about immediate reduction of armaments. That comes afterward. It is putting the cart before the horse to say that armaments must be reduced before an effective substitute has been provided for war. Would you ask that a man should not take care of the preservation of his own rights before you had given him a court to which those rights could be submitted? Would you ask that the anarchy of primitive times should be swept away until you had provided some remedy for private war? No. You could not do that. So now the thing to do is to secure an effective substitute for war and that substitute is provided first by arbitration; second, by a permanent international court for the adjudication of international difficulties. The first Hague Conference was called for

the purpose of securing a reduction of armaments. It failed in that entirely, but it did the more important thing,—it aided the cause of arbitration.

Then the proposition has been made that there should be neutralization of territory. But we have found in the past that neutralization of territory has often been far from successful. In the early part of this century, the city of Cracow was neutralized by the three great powers, Austria, Russia and Prussia. They all agreed to respect this neutralization, but when they found their interests were in the opposite direction, then they failed to do it. The result was that in 1848 neutralization ceased and Cracow became the property of Austria alone. Neutralization has been successful in Switzerland, Belgium, Luxemburg and the Suez Canal, but it proved unsuccessful in the Samoan Islands, and particularly disastrous in the territory of the Congo, where there has been the most terrible cruelty and destruction of life under a treaty which neutralized that territory by the great powers.

But when you take up the question of arbitration in place of war, there you begin by adopting a substitute for trial by battle. Arbitration at first is an opportunist measure. Two nations disagree about something. They do not think it worth while to fight, so they say, "You select a man and we will select a man and then the two will select a third and the three will decide the controversy and we will abide by the result." The most illustrious example of arbitration of that kind during the past century was the arbitration of the Alabama claims. The feeling of England and America had been deeply stirred by what was considered a great injustice done to us in allowing cruisers to escape and prey on our commerce. It was suggested that the matter be arbitrated, Great Britain consented to it, and we know how admirably the affair was consummated.

But arbitration gradually begins to extend its scope. First it is only the single case, then it is a class of cases like those covered by the Pan-American arbitration treaty which provides that all pecuniary claims for damages by one nation against another shall be arbitrated. Then boundary questions are included and finally we are reaching the third stage where nations agree to arbitrate everything. If we succeed in making the treaties with England and France, these will be the examples to mankind of what arbitration treaties ought to be, and we will have taken the great step which will inevitably lead to the adoption of the arbitration principle by all mankind.

But arbitration in practice has certain infirmities, in the first place, in the court that is selected. Each country chooses its own arbiter, because it believes it will find a man who will protect its own interests. These arbiters are not chosen neces-

sarily because they are men distinguished in the law, nor because they desire to carry out the principles of international justice, but because each one will help the particular country which selects him. Now these two select the third. There is the initial trouble, about the composition of the court and then afterward when the question comes up before the tribunal it is not necessary to decide upon principles of international law at all. It becomes very largely a question of compromise. What will best allay the difficulty? Stop this disturbance, give a little here, give a little there, and the arbitration is complete. That is a very defective way to try a case. As Senator Root recently said, nations are not reluctant to try arbitration because they are opposed to the principle, but because they are afraid they will not get justice; it is too uncertain. There is no definite system of international law guiding the determination of the arbiters. There ought to be a better system provided.

Arbitration, however, has been extremely successful in that it has always prevented war in the countries where it has been tried. There is no case, I believe, in the last century where war has resulted from the failure of arbitration. There have been awards that have not been carried out; for instance, the arbitration of our Northeastern boundary left to the king of the Netherlands. There were two boundaries between which he should have selected, but instead of that he established a third boundary which he thought would be more satisfactory. Both parties were dissatisfied and the award was set aside. Also in a recent arbitration with Venezuela a case was decided by Dr. Barge as umpire and it was thought he had not decided in accordance with the principles of law. So the two countries submitted the case again to the Hague Tribunal and a new and different decision has been the result.

But arbitration has done one thing; it has prevented war. At the same time it does not command the respect of the nations of the world in the same way that a sound judicial system would command their respect. Now we have taken the second step, and that is, the establishment of a panel from which the judges should be chosen for the purpose of arbitration. The Hague Conference of 1899 has done that. The third step is the establishment of a permanent court with the judges determined beforehand. The question of the judicial settlement of international disputes is one that follows the analogies of the gradual development of municipal law. Mr. Scott has shown that very admirably, both yesterday and in an address delivered before this Conference a year ago. The peace movement takes the course of nature,—first the blade, then the ear and after that the full corn in the ear,—just like the development of municipal law in the early days of Rome. First men took care of

their own rights, protected their own households and their own property, then they began to arbitrate and put their disputes into the hands of strangers that came to the city to determine the rights of one man against another. Then they formed a panel from which they should choose their judges and even then they had to enforce the decrees of these courts because there was no efficient executive authority. Finally a permanent court was established. Then came the sanction of that court. We are following exactly the same course in international disputes that was followed in municipal disputes, and now the time is ripe for the next great step, the establishment of this permanent tribunal.

The last Hague Conference determined upon the creation of such a tribunal and provided the manner in which it should proceed, provided the number of judges of which it should be composed. But they failed in one thing, they could not determine the constitution of the court; the great powers were not willing to submit their rights to the determination of judges chosen from the smaller powers which could not enforce the decrees of such a court, while, on the other hand, the smaller powers insisted upon the absolute equality of nations before any international tribunal, and that they had a right to be represented by as many judges as the larger powers. So nothing was done at that time. But a prize court was established in which it was determined that the eight great powers should each have one representative and that the lesser powers should be represented by seven representatives chosen by them all. It was reported that Secretary Knox proposed that a tribunal for the settlement of all international disputes should be established upon the same basis. Now I don't know that that is the best way of selecting a tribunal, but it is the one way that seems practicable to-day and if the statement is true that we are nearer the establishment of that tribunal than we supposed a year ago, then I think we may say it will probably be established upon some such basis.

There is one thing I want you to consider in respect to disarmament in this connection.

Among the eight great nations, each of which is to have one representative in the prize court, and perhaps one in the new court, Japan with her fifty millions is included, while China with her four or five hundred millions and her immense territory is not included. Why? Because Japan is a military power and China is not, so that even in determining how peace shall be best established, military power counts and it will not do for any country to reduce unreasonably its own armament even for the purpose of establishing peace. That is a thing we ought to consider now. The ideals of China in regard to peace are

very high. There, the scholar stands highest, because mind is greater than matter; then the agriculturist, because he produces things for mankind; then the manufacturer because he puts them into shape where they can be used; then the trader because he brings them to your door; but the soldier is last of all because he does not create but destroys. That is a splendid ideal, but how does it work for China? Under a system in which militarism has been disregarded and degraded, we find that China has become the prey of other nations. Hong Kong and Wei-hai-wei have been taken by the British, Kiauchau by Germany, Vladivostock, the Amur country, and the Liao Tung peninsula by Russia, other territory by the French. One nation after another has taken off a piece of China and China has been powerless to resist. It does not do for nations to disarm and then talk of peace; we must first establish a substitute for war and then disarmament will follow. So I have a very hearty sympathy with the idea expressed yesterday by Mr. Scott, that disarmament is one of the things to come, and which will come by natural evolution, for the world is getting tired of the expense of heavy armaments; but the thing to be done now is to provide the substitute for war. If we are pretty sure that we can get a court established, a system of international laws will be developed in two ways; first as the common law was developed, by judicial interpretation, and supplemented afterward by the statutes of Parliament, so we will find that a common international law will be established by the decisions of this tribunal which will pass into precedent and that will be supplemented by the resolutions of the Hague tribunal, sanctioned by all the powers. There we have indeed the legislative power.

There is one thing still lacking and Mr. Scott pointed it out. That is, executive power, the sanction for the court. In our own country we have a sanction for the judgments of the Supreme Court which decides controversies between the states. We have that in the federal executive and in the federal army. But we have no international executive, no international army. Those things may grow hereafter. There may be an international police; that is still a dream for the future. I hope it will come, I think it will come in time. I think there will be some form of international executive some day. But that is not the immediate need of the hour. The thing to do now is to take the first great step toward international federation and that is the establishment of the international tribunal.

Now a number of sanctions have been proposed. In the first place public opinion is relied upon. If you can have it strong enough and deep enough and universal enough, public opinion will control anything. There is nothing that is beyond its power, but it must be deep and strong. We are not sure we

are going to have international public opinion in the near future deep and strong enough to enforce all the decrees of this court, and in the meantime perhaps there ought to be something provided which will insure that. Then it is proposed that there shall be no credit extended to any nation which will refuse to carry out the decrees of an international court. That also would be a valuable thing, but it requires the co-operation of many nations to prevent credit being extended; just as it would require the co-operation of a great many nations to establish an international police. Why not adopt the simpler method proposed by ex-President Roosevelt in his address at Christiania, where he said, "The power to command peace could best be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain limitations and conditions, but the ruler or the statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind." It is not necessary that all nations should concur. If the most powerful ones should simply say that the decrees of this international court should be enforced, that would go a long way toward giving those decrees ample validity.

I think the establishment of this court is extremely desirable of itself, but I think it is still more desirable as a step in that great movement which may lead at last to the federation of all mankind. That has been regarded as a dream. It is not a thing we should ask for to-day or to-morrow, but the time is coming when the great world will be a federation. The development of the family into the clan, of the clan into the tribe, of the tribe into the nation and the union of nations and independent sovereignties into great federated republics and great empires, until now five or six control the world—this development leaves only one step still to be taken, and by all the analogies of sociology and history, the world is sure to take it.

My friends, those who have been devoted to the cause of peace and arbitration in the past have been regarded as dreamers. I thought so myself. But now the hard-headed men, the statesmen of the world have taken the matter up and they are bringing about the realization of the prophecies and dreams of the past. I was very much impressed with the remarks of Mr. Smiley yesterday about the dream of one generation being the fact of the next generation. It has always been that way. Many a wild dream of the past have we seen fulfilled. But perhaps the wildest of all dreams was the dream of the man who thought there could be some substitute for war, the dream written in the prophecy of old, in Isaiah, when he declared that

the swords should be beaten into plowshares and the spears into pruning-hooks; that nation should not take up arms against nation, neither should they learn war any more. Many centuries have passed since that time and men have thought, What a wild dream! How little has been done for its accomplishment! In fact a good deal has been done; wars are shorter, less frequent, and the percentage of people destroyed is far less than in earlier days. Still it seemed impossible that the dream should be accomplished. The practical men were standing aloof, but now they are coming in,—the statesmen of America and England are already providing a substitute for war! (Applause.)

There was another prophecy, that of Alfred Tennyson, who in his "Locksley Hall" speaks of the nations' "airy navies" which they are already beginning to establish, and then of what is to follow. Let me give you his words:

"Then I dipt into the future, far as human eye could see,
Saw the Vision of the world and all the wonder that would be;

* * * * *

"Heard the heavens fill with shouting, and there rained a ghastly dew
From the nations' airy navies grappling in the central blue;

"Till the war drums throbb'd no longer, and the battle flags were furl'd
In the Parliament of man, the Federation of the world."

(Applause.)

THE CHAIRMAN: Our next speaker is to address himself to the great problem, mentioned by Mr. Foulke, of finding a method of appointing judges of the Court of Arbitral Justice. It gives me pleasure to present Mr. THOMAS RAEBURN WHITE, of Philadelphia, a well known lawyer and President of the Pennsylvania Arbitration and Peace Society.

UNDERLYING PRINCIPLES WHICH SHOULD GOVERN THE METHOD OF APPOINTING JUDGES OF THE INTERNATIONAL COURT OF ARBITRAL JUSTICE.

ADDRESS OF THOMAS RAEBURN WHITE

The recommendation of the project to establish an International Court of Arbitral Justice was the most significant, and in many respects the most important, act of the Second Hague Conference. The project was fully accepted in principle and failed of adoption only because of inability to agree upon a method of appointing judges. This inability to agree was due to the fact that all nations claimed the right to be equally represented in the Court.

Three principal plans were discussed at The Hague. They were:

1. That each Nation should appoint one judge, making a court of forty-six or more. This would be an unwieldy body to exercise judicial functions and would inevitably be more of a representative assembly than a court. The plan was, therefore, properly rejected.

2. That a system of rotation should be adopted by which each Nation would appoint one judge, but some would sit for longer periods than others, so that no more than seventeen judges would sit at one time. This was rejected because all States would not in fact be equally represented. It is objectionable for the further reason that while probably a majority of the court would be unchanged from year to year, it would not have that permanence of character most desirable in a judicial body.

3. That a court of fifteen judges should be elected by the ministers of foreign affairs of all the contracting powers from among nominees made by said powers, each nation naming one. This pleased neither the large nor the small powers. Each feared the predominating influence of the other.

The project, therefore, failed of adoption because an acceptable method of appointing judges could not be, or at least was not, devised. How shall this difficulty be met? It is agreed that the Court must be a strictly *judicial* body, and that to be such the number of judges should not exceed fifteen or at most seventeen. The propositions thus far advanced have involved the appointment or election of judges by the contracting powers, as their representatives in the court, and it has been supposed to follow that the principle of the juridical equality of states must necessarily be abandoned because of the impossibility of dividing fifteen by forty-six. This view is not without its powerful exponents. It is said that while all nations have equal rights before the law, so far as concerns the maintenance of their sovereignty over their own territory or subjects, or in other such matters, they are not in fact equal either in power or influence, and this should be recognized in determining representation upon an international court.

But there are weighty reasons against this position.

1. It is extremely objectionable to the smaller or weaker states, and they will probably not agree to it.

2. It may not be just or equitable, if we admit that *any* nation is to be *represented* in the court. If a small nation is oppressed by a stronger power, by the exercise or threat of violence, there is a reaction of world sentiment in favor of the weaker power, which results to its advantage; but if such oppression arises from a judicial decision due to the greater representation in the court of a more powerful nation, no such reaction would follow. It is not clear that a body which is to decide the rights

of the weak as well as the strong ought not to be equally representative of both, if it is representative of either.

3. Power and influence are measured in large part by military and naval strength, and if representation on the court is to be determined by power and influence there will be a tendency to increase armies and navies, so as to gain greater representation, thus tending to defeat the very purpose of the establishment of the court.

The plans proposed have rested upon the assumption that the court must be composed of judges appointed *as representatives* of the different nations, and the problem how to apportion the representatives so as not to violate the principle of equality, and to have a court small enough to be a judicial body has thus far defied solution. Let us then examine more closely this principle of representation.

Is it a sound principle that the judges of a court of justice shall be chosen by those who will be litigants before it, to act as their representatives upon it? If this were an ordinary court there would be but one answer to this question. Certainly representatives of litigants have no place upon a judicial bench. It is the business of judges not to consider the interests of the appointing power, or of any person or nation, but to determine what is just. Any system of representation of litigants in a court destroys its judicial character, and none the less so because a rule of practice may prevent a judge from sitting when the litigant he represents is a party. The principle of representation once admitted, it will become the mainspring of action. A case between nations is scarcely conceivable which would not affect the interests of some or all of the others with consequent effect upon the action of their representatives. Would such a court accomplish the object contemplated by the promoters of the International Court of Arbitral Justice? Clearly not. What the court must be if it fulfils the hope of its friends is a *judicial body*. It must not negotiate; it must not compromise, it must decide; it must administer justice, not reconcile differences. The weakness of arbitration as we now know it is due to the fact that all but one of the arbitrators are representatives of the litigating parties, rather than judges. The decision of such a court is very apt to be influenced by questions of diplomacy. With an equal number of judges representing each party, and but one man to cast the deciding vote, compromise and expediency cannot be excluded from the decision. It is small wonder that as yet the nations withhold certain vital questions, not admitting of compromise, from such courts. A dispute as to the boundary line of two farms will be decided by the united judgment of twelve jurymen and from six to ten judges, or twenty-two men impartially chosen. But great nations, if they

resort to courts, must submit their boundary disputes to one unknown man who may be neither intelligent nor courageous, but, if he is both, is only human and, therefore, in the clash of contending interests represented on the court may agree to a compromise where none should be. So long as there is insufficient confidence in the judicial quality of the decisions of international courts, many questions will still be settled in the darkness of conflict rather than in the light of reason.

In the constitution of the new court, therefore, all else must be subordinated to securing a *judicial* body. This can only be done by appointing judges, not as the representatives of powers who will be among the litigants at the bar of the court, but as men of learning, intelligence and probity, who will administer justice to all and will act as the representatives of none.

The judges must, of course, be citizens of some of the nations concerned, but there is a great difference between the appointment of a judge by a litigant and as the representative of such litigant, and the appointment of the same man by some other authority, not as the representative of any interest but solely because of his qualifications as a judge. The appointment of a fit man as justice of the Supreme Court of the United States arouses no opposition, because he may have been identified with some great commercial enterprise whose cases constantly come before the court; but it would not be tolerated that such enterprise should have any hand, however indirect, in the appointment itself.

We, therefore, conclude that the fundamental principle which should govern the appointment of judges to the international court is that they should be appointed solely on account of their fitness for the position, and not as the representatives of any nation whatever; and that the appointments ought not to be made by the nations themselves. If this principle be admitted then all difficulty arising out of the supposed necessity for equality of representation disappears. If there is no representation at all, then all nations are upon an equal footing and should be able to unite in an earnest effort to select the strongest court which can be obtained.

The next question is, if the nations are not to appoint the judges, who will do so? It was not my purpose to endeavor to work out the details of any plan, but merely to indicate what seemed to me to be the underlying principles. Having decided that litigating parties ought not to appoint the judges, it follows that some authority outside of them must do so, and in this case it is evident that this authority must be invested in some person or body by the nations themselves. The first thought which naturally suggests itself is that the judges should be elected by the Hague Conference. There are objections to

this, not the least serious being the fact that the idea of representation could not be excluded, and the judges would probably be selected more with a view to their nationality or known bias than their personal fitness. Moreover, the election of judges by a large body is never desirable. There is not apt to be a careful weighing of merits and the responsibility is too much divided. However, this method or election by ministers for foreign affairs of the various nations, as urged by the United States at the Hague, may prove to be the better plan. No reason is perceived, however, why the members of the court could not be appointed from among nominees suggested by the nations, by a small committee or single person chosen for the purpose, or perhaps by the President of the Conference, subject in any case to confirmation by vote of the Conference. By this means the judges would owe their appointment and confirmation to a World body, and would unconsciously feel a responsibility and allegiance to that body, and to the World in general, rather than to their own Nations alone. This is very necessary to assist them to rise above local prejudices and to be World jurists in the broadest and best sense.

I am more willing to adopt this view because it was substantially the one reached after discussion, in an analogous case, by a body of men whom we in America at least venerate as one of the most able and distinguished assemblies ever brought together. I refer to the Convention of 1787, which framed the Constitution of the United States. The states which are now constituent parts of the Union were then separate sovereignties and the problem of establishing a court which should have jurisdiction of disputes between the states, was not essentially different from that now before us. It was at first thought that disputes involving what we would now term honor or vital interests, should not be submitted to the Supreme Court of the United States. In the report of the Committee of Detail of the Convention, which report was made on August 6th, there was an elaborate provision for the constitution of a special representative court whenever disputes arose between two or more states over jurisdiction or territory, or whenever rival claims were made to the same land under grants from different states. Minor disputes between states were to be submitted to the Supreme Court, whose judges, however, it was then contemplated would be elected by the Senate. Thus it is clear that the thought first in the mind of the Convention was that a court which decided even minor disputes between the states should consist of judges elected by representatives of those states, and that the more serious disputes should only be decided by judges appointed by the states themselves, for the particular controversy. But this idea was abandoned. On August 24th, after

debate, a motion prevailed to strike out these provisions for a special court, and in the revised report of the "Committee of Style," on September 12th, we find all disputes without reservation referred to the Supreme Court, the members of which were to be appointed by the President, by and with the advice and consent of the Senate. It is not to be doubted that the progress of the mind of the Convention of 1787 was along the path we now tread. First, they thought disputes of an important nature between sovereignties could only be decided by a court appointed by those sovereignties. They were thinking rather of diplomatic negotiation than of judicial decision. Later, they realized this and accepted in full the principle that disputes even between sovereign states can best be decided by a strictly judicial body, and that upon such a body the representatives of litigants have no place. It is not unlikely that when actually selected, we would find that the judges would differ little in nationality or personnel from what they would have been if selected on some such system of representation as is advocated by those who would abandon the principle of the juridical equality of states, one judge being appointed from each power of the first class, and the rest distributed among groups of smaller nations. But the appointments would have been made upon a higher and better basis than that of representation, and the principle of equality so tenaciously adhered to by the smaller nations would have been preserved.

There are safeguards which may be properly thrown about the selection of judges of the international court which will not violate the principle, will insure a court capable of dealing intelligently with all questions which may come before it, and will strengthen it in public confidence. Thus it may be provided that no more than two judges shall represent any recognized system of law, or that no two shall be citizens of the same nation, or other like *restrictive* provisions. But as to *positive* requirements, let there be none save that the judges shall be worthy to wear the ermine of the most august tribunal the World has ever seen, and be capable of rising above national prejudices and deciding cases solely upon the eternal principles of justice. (Applause.)

THE CHAIRMAN: As the next speaker on this subject of an international court, I present Professor PAUL S. REINSCH, of the University of Wisconsin, who has twice represented the government of the United States at Pan American Conferences and who is about to go to Germany to represent our American scholarship as the incumbent of the Roosevelt Professorship at the University of Berlin.

THE RELATION OF LEGALITY TO INTERNATIONAL ARBITRATION

ADDRESS OF PAUL S. REINSCH, PH. D.

I find myself in a position of great disadvantage, because, having been very busy I did not find the time, even if I had been able, to work out a clear and concise paper such as has just been presented. Nor, on the other hand, am I gifted with the eloquence of Mr. Foulke, with his gamut of expression. So that I am afraid I shall give you a rather dry presentation of a few ideas I have on the subject of the "Relation of Legality to International Arbitration." Our American diplomacy during the last decade has been memorable in several ways. For one thing we as a nation are at last becoming conscious of having a diplomacy. Mr. Hay introduced the idea of the so-called new diplomacy, which meant a diplomacy of directness, of placing things upon their true footing, of avoiding all indirectness, intrigue and chicanery—that is to say the diplomacy of Bismarck, used, however, not for the purpose of misleading one's opponent, but for dealing with international affairs upon the American basis of business common-sense and public honesty. Now Mr. Hay was not a lawyer, but he was followed in this high office by a very eminent lawyer, whose successor again possesses great legal experience and ability. Thus it was natural that in the last two administrations American diplomacy should take up and act upon the concept of legality. If things are to be done in a normal way, in a straightforward and businesslike way, then the diplomat ought to know beforehand what rules are to guide him. He must not be left at sea; nothing ought to depend upon personal combination, but there must be certain clear laws, so definitely laid down by custom, precedent, and interpretation, that they can be taken as a rule and guidance by the men who have to do this work. Now in my experience with men who have international responsibilities of the highest order, I have always felt that they are animated by a desire to know what is right; they feel the burden of responsibility is lightened by a knowledge of precedent, by knowing what other men in similar situations have done. They are therefore glad to find legal authority for action they are called upon to take.

It is particularly appropriate, and not at all accidental, that our American national government has of late become so prominent in favor of the development of an international legal system; no nation in the world illustrates more fully the pure respect for law; without institutions like a nobility or a crown, the respect for law embodies itself in the respect which our judges command throughout this nation. It is fitting that its international policy should express that same desire to have law

govern in all human relationships. It is therefore a policy that is worthy of us, a policy natural for us, a policy for the desirability of which I need not argue before this audience. I have not come here with the idea of making propaganda for this idea. That is not necessary in this place. I have rather come to look at some of the difficulties with which we are confronted. We must not deceive ourselves into a belief that nothing more is needed than the adoption of general principles; there are a great many technical difficulties such as were pointed out by Mr. White in his paper, that are extremely puzzling and troublesome. The solution of these problems is worthy of our attention.

In the development of international arbitration we have passed to a period in our history when we are speaking of arbitral law. Mr. Ralston has just issued a book, called "International Arbitral Law and Procedure." I cannot sufficiently emphasize to you what the appearance of such a book means. The fact that it can be put forth means that there has been accumulating a great wealth of material in international procedure. To-day international law is no longer the employment of reason to deduce certain principles from the inherent nature of societies and their relations with one another. Our international law is being made what our common law is—the result of the experience of men, acting, reasoning out these concrete questions as judges and referees in arbitration cases. And so the appearance of this book, containing a digest of the materials that have been thus produced, marks a new step in the development of international law. But we must remember that in all these cases the *rights of individuals* were being adjudicated upon, they were individual claims, claims of citizens; indeed, a claim of a citizen cannot be internationally paid attention to unless the state to which that citizen belongs has taken it up—unless it is made in the name of the state. Yet it is the right of an individual that is being adjudicated. Moreover, the arbitration commissions have repeatedly and distinctly held that a claim of this kind does not accrue to the state. We will say that the state of France prosecutes a claim for one of its citizens and that citizen divests himself of citizenship; the commissions have held that in such a case the claim does not survive and become a direct right of the state that has urged it. So in international litigation thus far the state has generally been representing claims of its citizens, not claims directly its own. From that we are now going to take this great step, we are going to make this transition, that when the *state* feels itself aggrieved, when something has been done that seems an indignity and injury, it will conquer its pride and allow an international tribunal of judges to adjudicate upon that question. That is a great advance. We have had arbitration for a long time; we have even had arbitration in which the

dignity and rights of a nation have been involved; but arbitration so far has been almost entirely in cases of private rights and commissions have repeatedly refused to adjudicate upon indignities which states have suffered, because they have said that such things cannot be measured in money damages. You who are lawyers know how intimately the development of common law down to the present has been wrapped up in the idea of a definite, specific idea of damage. You must have something for which money damage can be given before a legal right has been established that can be pursued and made good in the courts. We see that the commissions who have adjudicated internationally have had somewhat the same standard—that there must be a damage that can be measured in money. Now a nation will not readily measure its own injuries, the injuries which it believes itself to have suffered, in money standards. We need a new standard for adjudicating injuries that have accrued and by which nations are affected directly rather than individuals. We need to have such questions dealt with in a broad spirit of equity.

Supposing that in the case of war the Chinese had removed the Japanese flag from the *Tatsu Maru*, and Japan had desired arbitration; what would have been the measure of damages? What would the court have said the Chinese government must do if they had found the action to be illegal? It would be difficult to settle such questions by hard and fast methods. For that reason men believe that arbitration cannot be applied to such cases with the strict criteria that legal courts apply; they suggest there should be a group of sovereigns who are a sort of gentleman's court of honor between nations, who should say whether an apology is due. There are two solutions possible. One is that the court should merely indicate where right and where wrong lies, leaving it to the honor of the nations to make such reparation as is suitable. Take the Casa Blanca arbitration, in which Germany and France were interested—a question that certainly did involve the dignity of two great nations. It came up before the Hague tribunal; they solved it in this way—they indicated in what respects the representatives of either power had acted contrary to the accepted principles and best practice of international law. But that was the end. They left it to the sense of justice of those two nations, either quietly to accept that judgment as a statement of what should be done in the future, or to make reparation if reparation seemed necessary. The only other solution is to introduce the idea of criminal law into international law, and we have not yet come to that point, although many people write and speak as if we had. Such a practice would require that a state which has injured another could be prosecuted, could be against its will brought before an international court for a breach of international law

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and that punitive damages could be awarded against it. The conception of criminal law in international law is not at all impossible or far-fetched, but the statement of it will indicate to you the great difficulties in the way of effectually applying such a system.

The development which we are witnessing has three stages. International law was respected more or less even before there were any tribunals; just because of the fact I mentioned in the beginning, that men in a responsible position want some guidance; they want that weight of responsibility shared by society in general through accepting the judgments of society as they have expressed themselves in past action. Therefore you will find that governments in war—even before there were any agreements of a formal kind—would give to their officers instructions that the international laws of war must be observed. That is one way of enforcing the international law—to rely on the good sense, the honor of each government to give such orders to its officials in the diplomatic and the military service as will secure the carrying out of international duties. We are now in the second stage, when nations have created international tribunals which may help them in ascertaining what in a particular case it is just and right to do. They are voluntarily entering into it; they have their hand in selecting the judges. Now, ladies and gentlemen, the third stage would be when you say to a nation that what is just will be determined for you by a court sitting at The Hague; it is taken out of your hands; that court will determine what is justice in international affairs and you will be guided by that. That step we have not yet reached. That we shall reach it after future evolution seems now indicated. But you see what difficult transitions have to be experienced to pass from each one of these to the next step.

That brings me to the real subject as to whether legality is applicable throughout to international affairs, whether we can measure by the concept of legality all public action. I will give you a few instances. Suppose that we had universal arbitration treaties. How would they have affected the action of Japan in Korea? How would they have affected the action of the United States in Panama? Though Korea might have been a party to such an arbitration convention, Korea herself formally made treaties with Japan by which her nationality was extinguished. That is, the formal action of the Korean government, controlled indeed by Japanese influence, gave the power into the hands of the Japanese. Here is a situation which could not have been reached by arbitration, even under the most general treaties, unless you should introduce the concept of an international crime, so that any other nation may come in and say rights are being taken away under the form of law and insist that this be

heard by an international tribunal. Take the case of Colombia and the United States. Suppose Colombia had objected to the early recognition of Panama by the United States; how could that have been reached by arbitration? The existence of Panama would have been affected thereby because the existence of a state is a fact which does not depend upon the concept of legality. So, until you introduce the conception of a crime into international law, there will always be relations that will elude international arbitration. Ladies and gentlemen, sovereignty is not primarily a legal relation but it is a fact. When society is so effectually organized that it can govern itself permanently and safely and defend itself against foreign aggression, we recognize it as sovereign. If it loses that condition, if another nation comes in and overrides it, we recognize the new situation thus established. There lies one of the greatest limitations in fact and one that we must realize unless we desire to deceive ourselves; that the fundamental fact of state life, the fact that a society has that efficiency which guarantees its state existence, lies beyond the reach of law; that it establishes itself as a fact and is recognized as a fact. Thus, international arbitration could never affect an internal situation like that in Mexico. If the revolutionary movement there were organized well enough so as to persuade men that it could govern Mexico permanently, safely, stably, that new movement would have to be recognized; as long as the present government maintains itself in authority, it is recognized; but there is no way by which international arbitration could reach a situation of that kind. Therefore, with all the progress we are making there always remains still the connection between justice and strength. Let us be just. Let us have these high ideals of international justice. It is ennobling in every respect; it places our entire diplomacy on a higher plane. But let us also feel, as has been brought out by Mr. Foulke, and as I understand by Mr. Scott yesterday, that we are not arguing a policy of weakness, but a constructive policy which will require all the strong constructive ability that the nations possess—only it must be energy directed towards building up rather than energy directed towards tearing down. (Applause.)

THE CHAIRMAN: The request has been made that before passing to the next subject, we should ask for a brief statement on the very point raised this morning; viz., the difficulty which the Hague Conference found in attempting to constitute the Court of Arbitral Justice, from the member of both the Hague Conferences who is here, and he has kindly consented to say a word or two on that specific point. Baron D'ESTOURNELLES DE CONSTANT. (Applause.)

DANGERS OF HASTE IN ESTABLISHING THE INTERNATIONAL COURT

REMARKS OF BARON D'ESTOURNELLES DE CONSTANT

I think I have realized fully only this morning the complete utility of these discussions of the Lake Mohonk Conference; I have understood only this morning that it is not a meeting of high personalities, exchanging declarations only; it is much more than that. It is a kind—how should I say?—a kind of university of international education. This we all need—I need it anyhow and we all need it—because the subject is quite new. You have said quite truly that ten years ago no one thought that the dream would become a reality. But if we now are beginning to see that this dream is a living reality, of course we have to take great care that it is understood by everybody, and chiefly in a country like yours which is a country of public opinion. It is extremely important that you do not believe that the establishment of a court of arbitration or compulsory arbitration is easy. And it is because it is awfully difficult that I was so deeply interested in what has been so well said by my friend Mr. Scott and by Professor Reinsch. I think this is most useful and it reminded me at once of the difficulties we had, when discussing these same questions at the two Hague Conferences and chiefly the last Conference.

Many people thought we had failed. It was a kind of failure because we had not created quite the court we would have liked to create. And still, after four months of very, very hard work, very passionate and elaborate discussions, we parted with a good conscience. Why? Because we had the feeling that we had done not the best, but we had done all that could be done. It is not enough to wish for a good court. It is quite necessary to have that court giving not only satisfaction but chiefly full confidence to all powers. And as it has been so splendidly explained, these powers are very different. Some are strong materially in a military way; some are strong economically and morally; some others are weaker. Still we decided to give to all nations like all men full guarantees in this new court. But how could we do that? When taking only the facts, when we find that if we take only some group of powers, we are sure to have what they can call a coalition, something of which they may be afraid; and that would be the worst thing because it would cause the greatest suspicion against the new institution among the weaker powers.

Then another difficulty of which I have heard you speak and which is so natural—taking the judges from amongst the best men, I mean the most qualified, the best jurists. But you will understand very easily that these best men, these best jurists, will belong largely to a small group of the greatest, morally or

materially or economically, of the powers; so that instead of giving satisfaction to all it would give satisfaction only to part of this great block of all nations. This would injure the Hague work very materially; thus it is important that we do not hurry too much. If we wanted to have something at once which would satisfy our conscience, perhaps, but which would not satisfy the reality of things, then the result would be that we would have to awaken just when we were thinking our dream was realized. So that, looking at the work of the Hague Court from a distance, I really admire my colleagues of the Hague Conference for what they have done because they have attempted not to do too much, not to go too far. They went as far as they could see that we could all remain united, and then they stopped. It was very modest, indeed, but I think it was also really wise, very politic and, I should say, very good. And that is what I admire. At these two Hague Conferences there were many splendid men, the most admirable gathering of men I have ever seen in my life. But all these men, who were so clever, went very slowly; little by little they did their work with a kind of humility of knowledge, recognizing that they were obliged to go slowly and that the best way to succeed was to go step by step, not too fast.

And that is why I am sure it is so good in these discussions here to have men like those who have just been speaking. Why? Because it will keep the people, the public opinion, the best of our friends sometimes, more patient. They will wait until we can get a result which will give not only satisfaction to our highest ideal aspirations, but to all; which will keep all the world together going forward to a realization of this international justice.

Now my friends, I ask you not to be too severe in your criticism of the present Hague Court; it is certainly not a court, as my friend, Mr. Scott, explained so well; it exists only on paper. We have decided that all the governments now send those who may be chosen voluntarily by the powers. But this is a great advance because those arbitrators are always ready; they are not at The Hague but can go there very easily. Each government interested can choose the men who seem to be the best to settle the question. As Professor Reinsch so ably said, the question may be a legal one that is extremely difficult to define. It may be purely moral, purely political. So that it is essential that the men who are sent should not only be splendid jurists, but men who always accept the idea of a compromise, the idea of preventing war, of giving a solution which can not only be understood from the legal point of view, but which is also highly satisfactory from the moral point of view. You have to allow the government to choose men who sometimes realize that the legal application of right may be a danger and

that some compromise, some application of moral justice, if I may say, is necessary. This, of course, is not so easy to explain, and I am perfectly sure that a man, a politician, for instance, speaking to his constituency, would say that there is one justice, there is one law, and every one would applaud. But we do not work for that kind of success. I can tell you that in my own country I have been always elected because I have always told them the truth. We have not to do what they think best, we have to try to do what we can reach, and that is what the two Hague Conferences have done. That is why I admire their work and why I am proud to have contributed to it, and why this morning I am really so deeply happy to find here a state of mind similar to that of the Hague Conference. This Conference, as I said, is really a university of high moral, international education, and that is why I congratulate you who listen so attentively as well as these gentlemen who have spoken so truly. (Applause.)

THE CHAIRMAN: Passing now from this highly profitable discussion, we are to take up our second topic; viz., Unlimited Anglo-American Arbitration. We are glad to have with us to open the discussion, Hon. RAOUL DANDURAND, of Montreal, Member of the Canadian Senate.

ANGLO-AMERICAN ARBITRATION

ADDRESS OF HON. RAOUL DANDURAND

This is the third time within six years that I have the privilege of addressing an American audience, and on previous occasions, as on this one, I carried from the people of Canada a message of fraternal good will and a wish for permanent peace between our two countries.

In 1905, I represented the Dominion of Canada at an official function of an international character on the shores of Lake Superior, and I there expressed the wish that we should cultivate together an ideal which would be special to North America:—the application of the golden rule to our neighborly relations,—since it seemed useless to ask Europe to adopt on this question our own ethics. It then appeared to me that if the Christian era could justly claim for itself a considerable advance in civilization by pointing to a greater measure of justice among men, it had miserably failed in implanting principles of justice in the relations of these very nations which internally were governed by just laws.

Europe could justly boast of a higher culture in arts and sciences, and thereby claim a superiority in modern civilization, yet Europe was and still is a military camp, where millions of men are in daily training because the law of might, which

dominated the international relations five hundred years ago, is still the code to which it clings.

Europeans have presented this peculiar and sorry spectacle of having reached the acme of civilization individually while remaining in barbarism collectively.

It is true that the first Peace Conference had already met at The Hague, and that most of the powers had, through their representatives, evinced a desire to work together towards better international relations, but it had hardly closed its doors when the dogs of war were let loose in Manchuria and in South Africa.

In my utter despair of ever seeing peace reign in this wide world of ours, I limited my ambitions to praying that North America be preserved from the mediavalism of Europe.

Six years have since gone by, and a change, which approaches the magnitude of a revolution, has come over the world.

Although good men and true, in every country, have been unremitting in their efforts to shape public opinion in favor of arbitration, nowhere have we seen such zeal and such concerted action as in the United States. It will be generally admitted that American soil was the best prepared for the rapid fruition of the seed so generously sown, as it is mostly covered by people whose ancestors succeeded in extricating themselves from the yoke of European conscription and the burden of militarism.

The will of the nation being clear and undivided in favor of the settlement of all international questions by arbitration, its representatives in Congress gave expression to it by voting unanimously the resolution of June last, which gladdened the hearts of all right-minded men throughout the world. At that psychological moment the Republic was fortunate in having, at its head, a true representative of all that is best in the nation, a man strong of mind and stout of heart, who gave practical shape to the people's wish by asking Great Britain to join hands in the forging of the first link in what should become a chain of treaties binding all the nations of the world to the principle of arbitration,—a chain strong enough, on account of its uniform strength at every point, to stand the strain of popular ebullitions. Mr. Taft's offer to arbitrate all questions of disagreement without any reservation whatever is the most important and serious step towards the goal of universal peace which has been made since creation. The acceptance of the suggestion by Great Britain's foremost representative men, Messrs. Asquith and Balfour, should insure the signing of this treaty. It was fitting that this offer should come from the American Republic and go primarily to Great Britain. The many ties which draw them together—a common origin, a common his-

tory, the same language, the same literature,—should maintain a same trend of thought.

The humanitarian Gladstonian era truly brought the two peoples nearer in the worship of common ideals. Gladstone's regard for the right of the weaker nations gave him a large place in the hearts of Canadians and of Americans alike, and why should I not say of the whole thinking world. This Gladstonian age seemed, at the dawn of this century, to be threatened by an abrupt ending, but the magnificent answer which has lately come from the British Isles to Mr. Taft's proposition shows that the Grand Old Man has left behind him worthy disciples.

Let us all hope that the terms of this agreement will be drafted in the same liberal and lofty spirit in which the offer was made and accepted.

This document will be an object lesson for the world. It will be the foundation of the League of Peace, to which will gradually rally all the other nations. I venture to prophesy that the French Republic will be the first to give its cordial adhesion to this holy alliance.

Canadians will hail with enthusiasm the conclusion of such a compact, because they will see in it the promise of immunity from ever-increasing armaments.

They have lived, up to the present, the happiest people in the world, without any fear of attacks from a foreign foe. The day is at hand when the responsibilities of nationhood will weigh heavily upon their shoulders. Their greatest desire, their most fervent prayer, is that they may be protected against the plague of militarism.

I heard last evening, during the address of a late minister of the United States, that there is a cloud overhanging some of the republics of the South; and represented by fear of a Northern peril. I may say that half a century has elapsed since I was born and I have never heard of any fear throughout the length and breadth of Canada of our Southern neighbor. (Applause.)

The road is a long one which leads to a reduction in armaments, even after arbitration treaties are signed, yet if we are convinced that we are on the right path, let us join hands, from over all frontiers, and, together, in spite of the pessimists and fatalists, let us strive towards that higher measure of justice among men which will lift them high above the level of the wild beasts in the primeval forests that obey but the law of might.

No other alternative has ever been suggested for the solution of the problem which confronts us than that of arbitration.

Mr. Elihu Root has pointed out that the unwillingness in the past to submit international differences to arbitration has been due to a fear that the tribunal would be swayed rather by ques-

tions of policy than by a true appreciation of the facts disclosed, that it would act rather diplomatically than judicially. The organization of a permanent Court of Arbitration, surrounded by all possible guarantees of independence, which will be governed exclusively by settled rules of international law and jurisprudence, will soon satisfy the universal conscience, that justice can as safely and surely be extended to the nations as to public corporations.

The present Hague Tribunal, which is composed of men who have only been selected by the contending parties for the hearing of a special case and who could perhaps be suspected of being influenced to a certain degree by national preferences, has nevertheless given tangible proof of its ability to do substantial justice. The last judgment of that Court, which affected our two countries and which settled a number of difficult questions, to the entire satisfaction of the United States, Canada and Newfoundland, should strengthen our belief in the principle of arbitration.

But even if we had to record some errors of judgment, is it not apparent to all sensible men that equity will be a thousand times better served by a tribunal, even though it be fallible, than by the dictum of brute force written in blood and destruction? (Applause.)

Suggestions were invited yesterday by our esteemed chairman concerning the work to be performed by the Carnegie Committee. May I be allowed to express the hope that the children, in the schools, be regularly and persistently taught to abhor war and more specially the assault of the stronger nations against the weaker, in order to protect the coming generations against the malign influence of yellow journalism. (Applause.)

THE CHAIRMAN: It is no small pleasure to present to the Conference the next speaker, well known as one of its oldest and most devoted friends, who by long service in a diplomatic career and as Secretary of State of the United States, has earned himself the title of Dean of our American Diplomats! Hon. JOHN W. FOSTER. (Applause.)

UNLIMITED ARBITRATION BETWEEN GREAT BRITAIN AND THE UNITED STATES

ADDRESS OF HON. JOHN W. FOSTER

The first movement of a general character to bring about a permanent treaty of arbitration between the United States and Great Britain was inaugurated at Washington in 1896. In 1890 the Congress of the United States had passed a concurrent resolution declaratory of its sentiment in favor of the adjustment by arbitration of any differences which might arise between

the United States and any other government which could not be settled by diplomacy. In 1893 the British House of Commons adopted a resolution, reciting this action of Congress, cordially sympathizing with its purpose, and expressing the hope that Her Majesty's Government would co-operate with that of the United States to the same end. These resolutions, although general in their character, seemed to suggest the practicability of a permanent treaty between the two nations.

The first public and representative expression in this direction appears to have been made at Chicago, where on February 5, 1896, a circular was issued, signed by about two score of the most prominent citizens, calling upon the people throughout the country to assemble in their various localities on Washington's next birthday to consider the two following questions:

“1. Do we wish the governments of the United States and Great Britain by formal treaty, to establish arbitration as the method of concluding all differences, which may fail of settlement by diplomacy between the two powers?”

“2. What is our opinion of war as a mode of deciding controversies between the United States and Great Britain?”

Largely influenced by this call, meetings were held on the day named in Boston, New York, Philadelphia, Baltimore, Washington, St. Louis, St. Paul, San Francisco and other cities, expressing sympathy with the proposed formal treaty between the two nations, and a cablegram was received from the Anglo-American Arbitration Committee in London, signed by the Dean of Canterbury and other well-known British subjects, affirming “that the common sense and Christian conviction of America and England agree that the time has come to abolish war between these two nations which are really one people.”

The meeting in New York took steps to call a National Arbitration Conference to consider “a permanent provision for some wise method of arbitration between the two countries,” and this Conference was held in Washington on April 22 and 23, 1896. Thirty-four States were represented by nearly three hundred delegates, embracing many of the most distinguished and representative public men of the nation. The result of its deliberations was as follows: “That in the judgment of this Conference, religion, humanity, and justice, as well as the material interests of civilized society, demand the immediate establishment, between the United States and Great Britain, of a permanent system of arbitration; and the earliest possible extension of such a system, to embrace all civilized nations.”

A few weeks after the adjournment of the Conference a committee appointed by that body delivered the resolutions to President Cleveland, who “expressed himself as heartily in sympathy with the spirit and aim of the resolutions”; and his

views "were heartily endorsed by Mr. Olney, Secretary of State, who was present at the interview." These two high officials were not long in proving the sincerity of their assurances. On January 11, 1897, President Cleveland sent to the Senate for its approval an arbitration treaty signed by Secretary Olney and Lord Pauncefote, the British Ambassador. In transmitting it to the Senate, the President said it might not "meet the views of the advocates of immediate, unlimited, and irrevocable arbitration of all international controversies," but he believed that it would be recognized as making a long step in the right direction, and that if successful would lead to further advance, and make a new epoch in civilization.

By the first article of the treaty it was agreed to submit to arbitration, subject to certain specified limitations, "all questions in difference which they may fail to adjust by diplomatic negotiations." The limitations related to territorial rights and questions of vital national interest, which were to be submitted, not to international arbitration, but to a commission composed of three judges of the Supreme Court or of the Circuit Courts of the United States and of three judges of the British Supreme Court or Privy Council. The decision of this commission was only to be final if it secured the votes of five of the six members; but in case of failure of such result, the governments pledged themselves not to resort to hostile measures until the mediation of a friendly power or powers had been invited.

Although this treaty was, as President Cleveland expressed it, somewhat of "a tentative character," it did not secure the approval of the Senate. After weakening its effectiveness by several amendments, it failed to obtain the necessary two-thirds vote of that body greatly to the disappointment of the friends of international arbitration. Public sentiment at that day did not seem to support such a friendly advance towards Great Britain, even in the imperfect provisions of that treaty.

Eight years later a second National Arbitration Conference was called by the executive committee created by the Conference of 1896, and it met in Washington on January 12, 1904. Since the rejection of the Olney-Pauncefote treaty two questions had been disposed of which had a material influence upon the former action of the Senate—the Clayton-Bulwer treaty and the Alaskan Boundary. Another important event had occurred which had greatly strengthened the cause of International Arbitration—the Hague Peace Conference of 1899, and the creation by it of a tribunal of arbitration. Under these circumstances it was thought desirable to make a renewed effort to secure the adoption of a permanent treaty of arbitration between the United States and Great Britain.

The National Conference of 1904 declared unequivocally in favor of an arbitration treaty between the United States and Great Britain, to embrace "*all* differences which they may fail to adjust by diplomatic negotiations."

In 1904 President Roosevelt sent to the Senate for its approval a treaty of arbitration signed by Secretary Hay and the British Ambassador. This treaty followed the terms of the arbitration convention of The Hague Peace Conference of 1899, and expressly exempted questions of national honor, vital interests, and independence. This treaty was amended by the Senate to require each submission to be passed upon by that body. In this amended form the treaty was approved by the Senate, but because of the amendment President Roosevelt declined to give it effect. During the year 1904 Secretary Hay negotiated similar treaties with a number of other nations, but they all shared the fate of the British treaty.

When the American delegates to the Second Peace Conference went to The Hague in 1907, they carried with them instructions from Secretary Root which urged the adoption of a treaty of obligatory arbitration and recognized the amendment added by the Senate to the unexecuted Roosevelt treaty. The year following that Conference, in 1908 a new treaty was signed between Secretary Root and Ambassador Bryce almost in the same terms as the Hay treaty of 1904, with the inclusion of the Senate amendment. It was approved by the Senate without opposition, proclaimed by the President, and will remain in force until superseded by a new treaty.

More than twenty arbitration treaties similar in their provisions with those contained in the treaty with Great Britain were negotiated by Secretary Root in 1908, approved by the Senate, and are now in force. But these treaties have not satisfied the friends of unreserved arbitration. They look upon the reservations of national honor and vital interests as fatal to the cause of complete and genuine arbitration. Judicial questions, money claims, or treaty interpretations are comparatively easy of solution. It is the so-called "national honor" or the intangible "vital interests" which are likely to stir the hot blood of the people, awaken the martial spirit, and carry Congress off its feet with excitement. The growing public agitation has culminated in a demand for such an unlimited arbitration treaty as shall embrace these most war-producing questions.

The preparations for the international celebration of the century of peace between the United States and Great Britain in 1914, have contributed largely to the desire to see such a treaty initiated between these two kindred nations. Our honored chief magistrate, President Taft, has been quick to catch and echo this spirit. A year ago he made public expression of his belief

that such a treaty was not only practicable, but desirable, and by repeated public declarations he has expressed his readiness to enter into such a treaty with Great Britain. His sentiments have been promptly re-echoed by the Minister of Foreign Affairs of that country by unequivocal statements in Parliament, and also heartily endorsed by the leader of the Opposition Party.

At the third National Peace Congress in Baltimore, on the third of the present month, President Taft announced that such a treaty was being negotiated between the United States and Great Britain. Almost concurrently with this announcement a great meeting was held in the Guildhall, London, notable for the attendance of the prominent representatives of government and of public sentiment of England and the Colonies. Prime Minister Asquith introduced the resolution adopted by the meeting, which "cordially welcomes the proposal of the United States in favor of a general treaty of arbitration between that country and the British Empire * * * as serving the highest interests of the two nations and as tending to promote the peace of the world." And in his address the Prime Minister said: "What a few months ago was a dream is now in the domain of practicability. It is the settled purpose of the two great peoples of Great Britain and America to make war impossible." Mr. Balfour, leader of the Opposition, in seconding the resolutions, said: "I in my private and public capacity shall leave no stone unturned to further this cause. * * * Such a treaty will be the beginning of a new era, the first attempt to reach a common bond between all civilized nations to abolish the barbarous arbitrament of war."

It is understood that the treaty has been drafted by the Secretary of State, has been approved by the President, and has been submitted to the British Ambassador for the action of his government. It is confidently expected that an agreement will soon be reached, and this epoch-producing instrument be laid before the Senate for its approval. That the consent of this branch of the treaty-making power of the Government will be obtained ought not to be seriously doubted, although it is a long step in advance of any action as to arbitration yet taken by any great power.

The effect of the treaty will be to place the two nations as governments on the same footing as each of them has placed its own citizens. All differences between them which cannot be adjusted by mutual agreement must be submitted to an impartial tribunal. Wager of battle was long ago abolished as between individuals. Under the operations of the proposed treaty wager of battle will cease between these two governments. We are soon to celebrate a centennial of peace between these two kindred peoples. If we could live together in peace for

one hundred years with so many irritating questions arising between us, certainly with all these questions settled and under the inspiration of this pact, we may well look forward to another century of amity and concord. (Applause.)

Hence it might be said that such a convention was not necessary to ensure peace between our two countries. It is thought that in the present state of public sentiment war between them is inconceivable, still it is well to seal the bond of amity. But its greatest value will be its influence upon the other nations of the earth. Already the President and Secretary of State have appreciated the effect of the British treaty by welcoming the application of our ancient ally, France, for a similar treaty, which it is hoped will likewise be submitted to the Senate. The other nations may well inquire whether a treaty which abolishes war between the United States and two powerful and populous nations, with great commerce and intricate relations, may not be practicable and advisable between them and their neighbors. Doubtless if these treaties are approved by the Senate and go into operation, they will soon be followed by similar treaties between the United States and other nations, both great and small, and between other nations among themselves. Mr. Balfour well said in his speech at the great Guildhall meeting that the treaty with Great Britain "will be the beginning of a new era, the first attempt to reach a common bond between all civilized nations to abolish the barbarous arbitrament of war."

But we must not be too sanguine as to the influence of our action on the nations. We know that in the present temper of continental Europe some of the greatest powers are not prepared to enter upon unlimited treaties of arbitration. Following the recent public declarations of President Taft and the British Secretary for Foreign Affairs, the Chancellor of the German Empire has announced in the Reichstag that his government is not ready for such a step. Such an announcement does not take with surprise those who are conversant with the attitude of that nation at the first and second Hague Conferences. The greatest military power of the world proposes still to adhere to the policy of force, and its influence on certain of the other powers will create impediments to the general acceptance of unlimited arbitration treaties.

It is plain that the treaty between the United States and Great Britain and with France will not have any material influence in reducing the armaments of the world for the present at least. The rivalry for naval construction will still go on, and the continental powers of Europe will continue to maintain their great armies. But as unlimited arbitration is extended among the nations its beneficial effects must become more and more apparent, and even the German government must eventually find

a *modus vivendi* with the peaceful nations which will enable it to restrict its armament and cease to be a menace to the world.

I had concluded the preparation of my address at this point when the fulmination of Theodore Roosevelt against the proposed treaty appeared in the public press. While I regret its appearance as tending to embarrass the action of the Senate, I recall the fact that no man in public life to-day has shown such an erratic and inconsistent course in relation to the subject of international arbitration. His early public career was marked by a strong hostility to arbitration in general. In a magazine article as late as 1895 he attacked President Harrison for submitting the Bering Sea question to arbitration. I quote the following from his article: "We ought never to have agreed to this arbitration. * * * It is not a page of American diplomacy upon which we can look back with pride; but it offers a most hopeful lesson. It should teach us to beware, beyond all others, of peace-at-any-price men. It should teach us to be exceedingly cautious about entering into *any* arbitration."

But when he assumed the responsibility of the presidency, it was he who sent the first case to the Hague court of arbitration, and invited the nations in hostile array against Venezuela to resort to the same court. In the first instance he proposed to settle the Alaskan Boundary dispute by sending the American army to occupy and hold the territory in dispute by force, but finally yielded to the pacific advice of Secretary Hay, and in 1903 submitted the question to the London commission.

In 1904 he sent a number of arbitration treaties to the Senate and yet, because that body saw fit to insist upon the exercise of its constitutional duty, he denounced this action as "a sham" and a subterfuge, and in a petulant manner refused to put the treaties into force. But four years later, following the advice of Secretary Root, he sent the same treaties with the Senate's amendment to that body, and upon its approval put them into operation.

Notwithstanding his early declaration in opposition to arbitration in general, he has done more than any other living man to advance this cause and has earned the Nobel peace prize. Judging the future by the past, in the course of time, after he has played to his heart's content with his favorite terms, "hypocrisy," "cowardice," "bad faith," etc., we may expect this erratic but patriotic citizen to fall in line with the onward march towards international peace, and give his support to the great measure which most ennobles the administration of his successor. (Applause.)

THE CHAIRMAN: In the discussion of this great subject, we are fortunate in having with us a member of the English House of Commons—one who has done much for our cause. I have great pleasure in welcoming our valued friend, Mr. J. ALLEN BAKER, Member of Parliament.

THE ENGLISH HOUSE OF COMMONS FOR ARBITRATION WITH AMERICA

REMARKS* OF MR. J. ALLEN BAKER, M. P.

I consider it a very great privilege for the second time to attend one of these Conferences, that have had such worldwide influence in promoting the cause that we all have so deeply at heart, and gladly say a word, as a member of the House of Commons, on the position of that House in regard to the proposed treaty of arbitration between our countries, and of what we are doing on our side. For, I suppose, as a member of the House of Commons one has the opportunity from the inside of judging in a way that it is impossible for an outsider to do, how such a great proposal as this is received, and what an impression it makes on the elected representatives of the people.

Mr. Foster has given us in most concise and eloquent terms the position and the reception that this proposal of President Taft's met with on the other side of the Atlantic. I had the great privilege of being at that Guildhall meeting, which was a great national meeting, and if Mr. Foster himself had been there, I do not think he could have given a more clear and adequate idea of the importance of that meeting, or the cordiality with which your proposal was received. He quoted at length from Mr. Asquith and Mr. Balfour, the two great political leaders and we see how from their standpoint this proposal was received so gladly and so unanimously. I suppose no greater pronouncement has been uttered or greater proposal has been made for many decades than that proposal of President Taft's, and the way in which it was received in our country was simply remarkable. I had the great pleasure and privilege of being present on that wonderful evening of March 13 (or rather it was early in the morning, past the midnight hour) when our Foreign Secretary, Sir Edward Grey, in making that notable speech which you have all read, rose in his place, giving a welcome on behalf of the government and on behalf of the nation to the proposal that President Taft had made. He spoke of it as one of the most important, one of the most courageous and one of the greatest and most statesmanlike proposals that had ever been made by any statesman; and I cannot forget the thrill

* Delivered in the fifth session but printed here for convenient reference.—ED.

of satisfaction and the cordial reception of his words that went through that packed and tense assembly as he went on to say: "We have not yet received a proposal from the United States, but if that proposal should be made to us, we are ready as a government to accept it with the greatest cordiality and it will not be passed in this country until it is put before parliament and the parliament of this nation gives to it a hearty acceptance." (Applause.) As a rule I take but little part in the debates of the House of Commons, but I felt impelled on that occasion to rise in my place and make perhaps one of the shortest speeches any member is likely to make in that House, to say how I felt for myself profoundly grateful, and that I believed the House in every part and every section was equally grateful, and that the nation at large would receive the speech of the Foreign Secretary as the solution of the great problem that we were discussing—that of the further increase of the enormous burden of armaments that we were asked to vote for on that occasion! The effect throughout the country was instantaneous and simply wonderful! In churches and chapels, in town meetings and everywhere President Taft's proposal and Sir Edward Grey's speech were hailed as the greatest pronouncement, and the way out of the difficulty that seemed to be staring us in the face and which, as Sir Edward Grey said in his speech on that historic evening, unless it was stopped it would not only lead our own country, but other countries as well, to financial ruin and would break civilization.

This great word has crossed the Atlantic; this welcome message has come to us; we at the House of Commons and at that great meeting at the Guildhall have held out both hands to you in America accepting that which you have offered with gratitude, and I am here to say on behalf of my colleagues in the House of Commons that we are profoundly grateful to President Taft, and we are profoundly grateful to your great nation for the action that he has taken.

Mr. Foster did not refer to the latest action that was taken by members of the House of Commons. Two days before I left England I attended a meeting in one of the committee rooms of the House that represented four hundred members of the House of Commons, who had been asked by circular to form themselves into a committee to do everything in their power to further this proposal. Two or three of us felt after Sir Edward Grey's speech that the House of Commons, as a body, should take some action; and it was very delightful in going to one or two members of the opposition—it emanated from the liberal side of the House—to find men like Lord Hugh Cecil—the late Lord Salisbury's brilliant son—and Colonel Williams, and other well-known conservative members, equally ready and equally

hearty to join the proposal we made. A joint committee was formed, a circular sent out, and over four hundred members, without any solicitation (that is, members outside of the eighty or more official members of the government, all of whom approve) gave their signature to it. It was proposed and the resolution was carried by acclamation: "That this meeting, representing four hundred members of the House of Commons, who have constituted themselves a committee to further the advancement of the principle that all matters of difference between Great Britain and the United States of America should be referred to arbitration, records its deep satisfaction that the proposal for a treaty with that object has met with so hearty a response in both nations, and is prepared to do all that lies in its power to further the progress of that movement." (Applause.) This is the representative house; this is the body that really represents the opinion of the people of England, and they say, with one voice, "We are glad and thankful for that proposal and we will do all in our power to carry it into effect." But in that great meeting at the Guildhall and in this meeting that was held in the House of Commons, while speeches were made, and cordial speeches, in regard to the relations of these two countries, our leading speakers always stated, and I am glad they stated it, that while this was the case, it was in no sense a menace to any other country, and that we will equally and heartily welcome a like arrangement with Germany or any other country with whom such an arrangement may be made! (Applause.) In that way I think we have struck the highest note; we have joined with you in the spirit of the proposal that President Taft has already made to France and is ready to make I hope to other nations as well. Both our countries have really united as one in the letter and in the spirit of this proposal. (Applause.)

THE CHAIRMAN: Having reference to the word of caution which was dropped by Secretary Foster in his paper, out of his wealth of experience and knowledge of human nature, the Chair ventures to call the attention of the members of the Conference to a dispatch which appeared in the papers of yesterday morning, stating that the Chairman of the Committee on Foreign Relations in the Senate had arisen in his place and stated that he had received 2,000 letters protesting against the ratification of the treaty of arbitration with England. It ought to be the business of this Conference and its members to see that he gets 100,000 letters and telegrams from 100,000 different citizens of the United States. (Applause.)

We pass now to our third topic—A Century of Anglo-American Peace. One year ago a committee was appointed by this

Conference on the celebration of the completion of a century of peace between English-speaking peoples. Senator Burton, of Ohio, the Chairman of that Committee, had expected to be present; but he is unavoidably detained by public business in the Senate. We are, however, to have the pleasure of hearing from two distinguished members of that Committee, and I present first with great pleasure the Governor of the State of Minnesota, Hon. A. O. EBERHART, whom we are catching on his way to the train. (Applause.)

THE HOPE OF PEACE

REMARKS OF HON. A. O. EBERHART

I am sorry that I cannot qualify to the kind words of introduction given me; but I am leaving for the train in a few moments and I just want to give you a few words of greeting from one of the working members in the ranks. If I had time, inclination and ability to prepare a paper for this occasion, I do not think I would read it anyway, because there have been so many so much better; but I want to say a few words to you.

I have been interested, as has been said by Dr. Northrop, in the formation of a Minnesota Peace Society. It was not an easy matter. When I asked the Mayor of St. Paul to attend a peace meeting in the evening, he said that he could not attend any peace meeting in the evening; he had to go home. (Laughter.) But I am mighty glad that I could come and catch this little inspiration that I am going to take with me as one of the workers in the ranks, and we are going to try our very best to join in the work. I am glad I could be here that I may take a message from this great Conference to the people in the State of Minnesota. We are interested in the peace movement and I cannot help being impressed by the tremendous amount of waste involved in large armies and navies. Of course we agree with these speakers who have said that we must establish our court first before we can finally get rid of these large armies and navies. But just think of it! The cost of the armies and navies to this country would establish an agricultural school in almost every county of the United States. Just think of the benefit that would result to the boys and girls of our nation from such institutions! I am, therefore, representing the boys and girls of my state when I say the time should come, and come soon, when the money spent for the armies of the world ought to be used for better purposes. We are living in an age when the greatness of a nation is not measured in terms of armaments of war, but in the happiness of the homes, in the sanctity of our

churches and in the efficiency of our schools. We are living in an age when the man who can teach mankind to do right because it is right is greater than Caesar, Alexander or Napoleon. And the man who devotes his life to the betterment and the uplifting of mankind is the greatest gift of Providence to the human race.

We had a great forest fire in the northern part of our state last winter and I went there to help in the relief work. The first people on the ground with relief were our brothers from Canada! When we see men of all nations contributing to the betterment and advancement of mankind I sometimes think that these great international disasters, if you so call them, may perhaps furnish us with results not altogether barren, because of the lesson we may learn and for which we are paying perhaps a small price, that all this great world is one brotherhood. And I want to say to you that this meeting of the most representative men of every nation, is going to ultimately bring about that peace. It is not a question of inevitable war: it is a question of inevitable peace! It is coming! It has got to come! There was a time when we used to applaud the hangman and the whipping machine; but the time is here when we are doing away with those practices. Even in the city of Chicago they used to have a little place there called "Little Hell";—I do not know whether that was to distinguish it from the rest of the city or not. I was there the other day and there is not a city in the Union to-day farther advanced in playgrounds for boys and girls, in juvenile work, in caring for young men and women likely to become criminals and a burden on society. The world is moving onward! I do not speak of inevitable war, but inevitable peace! It is only a question of how soon it is coming; but the fact that we can meet, as here, from different states and nations, with one common purpose means that when we return home it is going to help on the cause of peace. We sometimes think it is the captains of industry who will bring this about, but it is not so: it is the mother, as she puts her baby away in the evening hoping for a better and brighter to-morrow; the average man who toils in the shop and street who is hoping for a better time to come; it is those of us who are here singing "Blessed be the tie that binds our hearts in Christian love;" it is these men and women who are going to bring about the realization of that great message heralded by the angels of heaven to the shepherds of Bethlehem that there should be peace on earth and good-will to men! And in closing these remarks, let me give you these words of peace—why, we can't have war! I don't see how we can quarrel with these friends about us who represent foreign states and nations; I do not see how war between intelligent and fully-enlightened nations would be possible! They are our friends. While we are doing

these things and our songs of peace rise higher and higher, we cannot go out and murder our friends.

“ There’s all of pleasure and all of peace
 In a friend or two.
 All our troubles may find release
 In a friend or two.
 It’s in the grip of a clasping hand
 On native soil or alien land
 For the world is made—do you understand?
 Of a friend or two!

A song to sing and a crust to share
 With a friend or two.
 A smile to give and a grief to bear
 With a friend or two.
 A road to walk and a goal to win,
 An ingle-nook to find comfort in:
 The best hours we know begin
 With a friend or two!

Then come days happy or come days sad,
 We count only time by the hours made glad!
 By the good old days that we long ago had
 With a friend or two.
 Then bring the goblet and quaff the toast
 To a friend or two.
 For glad the man who can always boast
 Of a friend or two.

The fairest sight is the friendly face,
 And Heaven will be a better place
 For a friend or two!”

All of us, working together, hand in hand and side by side, will bring about that solution, and when empires have crumbled we shall all be united in one great brotherhood, with equal opportunities for all! (Applause.)

THE CHAIRMAN: It is a particular pleasure to present as the next speaker a gentleman who is the Chief Justice of the High Court of Justice for the Province of Ontario, and who has been a member of the Canadian Parliament, and twice a member of the Dominion Cabinet, as Postmaster General and Minister of Labor,—Right Honorable Sir WILLIAM MULOCK. (Applause.)

CELEBRATE THE CENTURY OF PEACE

REMARKS OF RT. HON. CHIEF JUSTICE SIR WILLIAM MULOCK

I will not say this is an unexpected pleasure. I leave out the word pleasure on both your own and on my account. Last evening your very efficient secretary submitted to me for perusal a paper which Senator Theodore E. Burton of your United States Congress was to have presented here this morning, and I, in a moment of thoughtlessness, expressed an opinion as to the main sentiment of the paper. Immediately your secretary seized upon my weakness and asked that I should publicly commit myself to the admission I had made to him. The passage which attracted my attention dealt with the international relations happily existing for so many long years between the United States and your northern neighbor, Canada, and suggested, as

has been many a time before, that the approaching centenary of that peace should not be allowed to pass in silence, but should be recognized by some worthy international celebration; and to that sentiment, I publicly and heartily subscribe. (Applause.)

During this meeting, I have listened with much pleasure to many strong and able speeches. One speaker, yesterday, I think it was Dr. Northrop, sanguinely stated that there was no question as to the state of public opinion in the United States upon this peace question; that work, he declared, was completed and the energies of the peace workers should be directed to formulating distinctive policies to be carried into execution. *If* that is the happy state of opinion in the United States—perhaps it is somewhat overstated—but if it is even approaching that condition, then I venture to suggest that if the masses of the people make known to their executive in Washington their desire to give the world an object lesson on the benefits of peace by having a centennial celebration, the executive will doubtless respond. And if the executive of the United States should send overtures to the Canadian government, although I do not speak for the Canadian people—I am now but one of the citizens of that country—I do think I can with all confidence state that the Canadian sentiment would echo yours and that the Canadian government would join with your government in giving to the world an object lesson in the blessings that have come to the two most prosperous nations of the earth because of the enjoyment of one hundred years of unbroken peace. (Applause.)

What form such a celebration might take, I do not know. It might properly take many forms. For example, some years ago in the harbor that welcomes strangers arriving at the gates of New York you erected that great tower, holding up the torch of liberty to the incomer. What a delightful companion picture would be presented if an international committee should induce the two nations to set apart some common land or reservation where there could be erected in the path of the traveler from all the world a temple devoted to the evidences of the past and an educational institution to teach to commerce what this Western world has accomplished by the observances of the laws of peace. (Applause.)

You have spoken much of morality in connection with war. I recall an utterance of one of your own poets—now long since gathered to his fathers—told in his own homely fashion:

“If you take a sword
And run a fellow soldier through,
Government ain't going to pay for it;
God 'll send the bill to you.”

Now if that is a sound doctrine—and I maintain it is—then we have the moral support in the question. That fact ought, in this

age of boasted civilization, to make it our common aim and the aim of all who believe in our present civilization to try to prove that it is not a failure. It certainly has not accomplished all that is possible as long as there is a Christian citizen in the land who gives his calm, deliberate judgment in favor of the arbitrament of war.

Now, Mr. Chairman, my only complaint with this Conference is that I have been dragged into its proceedings. Many, many public meetings have I attended in my life, but I will say in unqualified terms, I have never from childhood until now attended a gathering that has given me a more infinite pleasure than this present Conference from which influence must radiate to all parts of this enormous Republic and spread throughout the civilized world. I hope the subject to which I have spoken will bear fruit, and when that century of peace is being celebrated between Great Britain and the United States, that we will remember it has at least been largely promoted through the influence of this great institution. And in closing let me say with what pleasure I have formed the acquaintance of your great, beloved, patriotic citizen, Mr. Smiley. (Applause.)

THE CHAIRMAN: Shortly after the Mohonk Conference of last year, there was started in New York the "National Committee for the Celebration of the One Hundredth Anniversary of Peace among English-Speaking Peoples." The Secretary of that Committee, Mr. ANDREW B. HUMPHREY, of New York, will now tell us of its activities.

WORK OF THE NATIONAL COMMITTEE FOR THE CELEBRATION OF THE ONE HUNDREDTH ANNIVERSARY OF PEACE AMONG THE ENGLISH-SPEAKING PEOPLES.

ADDRESS OF MR. ANDREW B. HUMPHREY

One hundred years ago to-day war clouds were threatening the existing peace between the United States and Great Britain. Within the next year the two nations were engaged in an unnecessary war which was protracted until 1814 when the treaty of Ghent was concluded on Christmas Eve.

It is significant that the signing of this treaty was not brought about by the Commissioners assigned to that duty, for after they had been in conference for nearly six months the two Nations themselves, forced by a strong public sentiment among the peoples of both countries demanding peace, directed the Commissioners to conclude a peace pact regardless of the prior claims set forth by the Commissioners and their respective governments. Thus the Ghent treaty was concluded without reference to the issues which brought on the war. The treaty was forced

by public sentiment and is a monument to that greater force than war,—irresistible public opinion.

Hon. John W. Foster's "American Diplomacy," describes the concluding efforts of the Commission as follows:

"An end finally came to all the internal wrangles and open conferences. Influences were at work with both governments more persuasive to peace than diplomacy. Secretary Monroe, under the direction of President Madison, who recognized the earnest desire of the country for peace, instructed the American Commissioners to recede from all their demands and accept the *status ante bellum*. The British Cabinet * * * gave instructions to the British Commissioners of the same character; and there was little at last for the negotiators to do. When the treaty was drawn up for execution it contained not a single provision respecting the issues which occasioned the war."

Some of the Commissioners were very angry over the terms of this treaty and Mr. Clay denounced it in language that would not be permissible in a meeting of the Mohonk Conference.

The Ghent Treaty has been honored in every respect and it has also been constantly strengthened by eliminating during the ninety-six years substantially all the causes of irritation between the two countries. It is quite natural, therefore, that the English and American people should wish to celebrate such an event in a manner commensurate with its importance and significance.

The idea of celebrating the one hundred years of peace seems to have occurred spontaneously to many people, and without cooperation. It was talked about during the administration of former President Roosevelt, and it is probably true that to President Roosevelt, Andrew Carnegie, Minister MacKenzie King of the Canadian Cabinet, Mr. John A. Stewart of New York, and the initiative of the Mohonk Conference Committee, headed by Senator Burton, that the project of a celebration took definite form. Minister King in an address at the Harvard Commencement of 1909 and again at Lake Mohonk in 1910, urged a proper celebration of the event.

About this time Mr. John A. Stewart called a meeting, at the Republican Club in New York City, composed of representatives of various peace, business and religious organizations, and editors, among whom were the following: Hamilton Holt of the *Independent*; William B. Howland of the *Outlook*; Professor Samuel T. Dutton of Columbia University; Dr. Albert Shaw of the *Review of Reviews*; General James S. Clarkson; Rev. Frederick K. Lynch; William H. Short, Executive Secretary of the New York Peace Society; Andrew B. Humphrey, General Secretary of the American Peace and Arbitration League; Mr. James Talcott, Banker; Mr. Marcus M. Marks, President of the National Association of Clothiers; Colonel William S. Harvey, of Philadelphia; Mr. William C. Demarest, President of New York Realty Trust Co.; Captain W. D. Forbes, of New

London; Mr. James B. Reynolds, of the National Civic Federation; Mr. T. Kennard Thomson, Vice-President of the Canadian Club of New York; and Mr. John R. Trenor. Almost all of these gentlemen have participated in the Mohonk Conferences and have sought to promote the proposed celebration in the Mohonk spirit.

This preliminary committee called the initial meeting and took the necessary steps to effect a complete committee organization for celebrating the Ghent Treaty Centennial, and this organization is now known as "The National Committee for the Celebration of the One Hundredth Anniversary of Peace among English-Speaking Peoples."

By invitation from the President of the United States, a committee of fifteen held a conference with President Taft at Beverly, July 15, 1910. The Honorary Chairmanship of the Committee was tendered to President Taft, but after consultation it was thought best, "for reasons of State," to choose an Honorary Chairman outside the official world, because matters concerning the celebration, and possibly matters of diplomacy, might come before the President for review, and it seemed best that the President should be free to act independently and in concert with all nations. The President endorsed the idea of a celebration and promised all the support he could personally and officially give.

The Committee therefore sought to find another international character who would represent the good will peace movement in his personality and be effective in so large an undertaking as the proposed international celebration. Notwithstanding the criticism, this morning, by our good peace friend, Mr. Foster, the Honorary Chairmanship was tendered to former President Roosevelt. Mr. Roosevelt took some thirty days to acquaint himself properly with the steps taken and the efficiency of the plans proposed and accepted the Honorary Chairmanship.

Mr. FOSTER: "If he takes thirty days to consider the treaty, he will be all right too."

Mr. HUMPHREY: With more than a score of arbitration treaties to his credit as President of the United States, and the settlement of a foreign war, Colonel Roosevelt needs no defense in a Mohonk Conference. His record in the peace world is his best defense and best monument, but, in his absence, and after the criticism in this presence, I think I ought to say that so far as a peace treaty between the United States and Great Britain is concerned, Colonel Roosevelt is absolutely and unqualifiedly committed to its essential purposes and as an evidence of his faith in the efficacy of the English-speaking peoples in the world peace movement, has accepted the Honorary Chairmanship of this great Committee to give public expression of his faith in

the American-English peace movement and to do his share towards making this celebration a divine message of good-will among all the peoples of all the nations. (Applause.)

The officers and committees are as follows:

Honorary Chairman—Theodore Roosevelt.

Honorary Vice-Chairmen—Elihu Root, Levi P. Morton, Adlai E. Stevenson, Governor John A. Dix, Governor Woodrow Wilson, Governor Eugene N. Foss, Governor Simeon E. Baldwin, Governor John K. Tener, Governor Judson Harmon, and Governors of all the other States; Former-Governor Draper, of Massachusetts; Former-Governor Fort, of New Jersey; and a majority of the former Governors of other States; Ambassador Whitelaw Reid, Ambassador Richard C. Kerens, Ambassador David Jayne Hill, and practically the entire diplomatic corps of the United States; members of the Cabinet, former Cabinet members, and hundreds of the most prominent business and professional men of the country.

Chairman—Andrew Carnegie.

Vice-Chairmen—Albert K. Smiley, of Mohonk, and Edward Ginn, of Boston.

Secretary of the National Committee—Andrew B. Humphrey.

Honorary Chairman Executive Committee—Charles W. Fairbanks.

Honorary Vice-Chairman Executive Committee—Theodore E. Burton.

Chairman Executive Committee—John A. Stewart.

Secretary of the Executive Committee—William H. Short.

Treasurer— ————

Bank Depository—J. P. Morgan & Co., New York and London.

The membership of the National Committee is rapidly approaching one thousand and is thoroughly representative of all sections and interests in the United States and will include representation for all who may wish to unite in the general or special work. The working body of the organization will be the Executive Committee of 100 or more with a sub-committee for detail work.

The first essential part of the important work of organization has been practically completed, and the second step of making out a tentative program is under way. For the purpose of completing an all inclusive world wide program, the National Committee proposes to hold a preliminary and advisory conference in New York, probably in December or January next which shall be international in scope and suggestive of the general plan and scope of the celebration, keeping in mind that *while war celebrations have been spectacular in history, this Peace celebration will emphasize the victories of peace through the intellectual, spiritual, industrial, political and economic triumphs of a marvelous century of development and progress.*

As a preliminary step for the coming conference the Committee has been in correspondence with representatives of Great Britain, Canada, and the British Colonies. A committee consisting of Hon. John Hays Hammond, of Massachusetts, Mr. Bernard N.

Baker, of Maryland, Mr. William B. Howland, of New York, and Mr. Theodore Marburg, of Baltimore, will represent the Committee abroad this summer to explain to our English friends what we are doing here, and to ascertain to what extent England and her colonies would be represented in the preliminary conference. Our commissioners to England will extend a hearty welcome to our kindred peoples and invite them to New York next winter to create an international committee which shall give direction to the preparation for the international features of the celebration in 1914-15, and have charge of the organization movement throughout the world. It is intended that through this international committee the various local committees shall keep in touch and co-operate in the general work. There will also be discussed the question as to what such a committee (aside from the preparation of the celebration program) can accomplish for the cause of peace.

No attempt has been made and no attempt will be made to give the National Committee an official character. The Committee has carefully avoided arrogating to itself any official capacity in any matter in which the respective governments of the English-speaking peoples would naturally and properly have precedence and sole authority.

It is the purpose of the Committee to live up to its title. It is a people's committee, and its associations will be popular and not governmental. It is hoped, however, that as the outcome of the international conference in New York, there will be co-operation of the governments of all the English-speaking peoples with reference to the celebration, and we have semi-official assurance that adequate official support will be given at the proper time and in the logical order.

We hope to arrange for committees to visit, during the coming summer, various parts of the country, including Baltimore, New Orleans, San Francisco, Seattle, Detroit, Duluth and Chicago, and various points in Canada to discuss organization matters with those most interested. The excellent report of a tour through Canada made by Dr. J. L. Tryon, of the American Peace Society, indicates that there is a very enthusiastic and genuine support for the celebration there. Our correspondence with friends of the movement in Great Britain and her colonies indicates a keen desire to co-operate.

There are several reasons why the Committee was so thoroughly organized far in advance of the date of the celebration. One was to bring about an amalgamation of all the various movements which have been initiated to celebrate the treaty, and also to bring about co-operation of plan, and purpose, and agreement as to activities; to create a body that could act in an advisory as well as in a supervisory capacity; and in order to

anticipate the legislative approval of states, where immediate action was necessary to efficiently devise a comprehensive plan for 1914-1915 and especially if we are to dedicate completed monuments in several cities and countries and construct a memorial bridge across the Niagara Gorge before 1915.

The National Committee requested the State Legislatures in session to approve the proposed celebration and co-operate with this Committee. Many States have responded, including North and South Carolina, New Jersey, Pennsylvania and New Hampshire, and the matter is pending in several States. The biennial sessions prevailing in some States will cause postponement in others.

SOME SUGGESTIONS FOR THE CELEBRATION

1. A preliminary international conference to convene in New York during the coming winter, with representatives from each English-speaking nation, or colony, and such other nations as may wish to participate in formulating a program that will make this event a great contribution to the world peace movement in preparing the way for arbitration treaties and their observance, through the general good will created and fostered.
2. That the anniversary of the signing of the treaty of Ghent (Dec. 24, 1814) be celebrated in Ghent and also in the churches, schools, societies, organizations, clubs, legislative bodies and Parliaments throughout the English-speaking world.
3. That the Christmas holiday season of 1914 be made an American-English home-coming period throughout the world, to celebrate family reunions and kindred ties as well as international reunion.
4. That American-English peace monuments be erected at Ghent and along the United States-Canadian border and such other locations in the English-speaking world as may be selected and approved by cities and peoples interested.
5. That these monuments be of a common artistic design with reference to the one central idea celebrated.
6. That the dedication of these peace monuments be utilized for educational purposes, by memorial exercises in churches, schools, societies, etc.
7. That advantage be taken of the occasion to spread broadcast, through special publications, the inspiring benefits of a century of peace, and
8. That a memorial history be written under the joint authorship of a representative Englishman and a representative American, with monographs, by experts, on special subjects.
9. That a permanent Joint High Commission be established to promote and perpetuate friendly relations between the United States and Canada.

10. It is suggested that a new style of exhibitions might be inaugurated in connection with the Panama celebration at San Francisco showing the progress of the arts of peace during the century.

11. A great merchant marine parade from Buffalo to Duluth and return with celebrations in the border cities and towns has been suggested by Dr. Trueblood of the American Peace Society.

12. That the American and English governments and peoples shall provide an international park at Niagara Falls, Grand Island, Buffalo, or at Belle Island, Detroit, and build a permanent arch bridge across the Niagara River or Gorge, which shall be forever a free highway between the two countries.

13. That a World Statue of Peace be erected in New York Harbor on a new artificial island southwest of Governor's Island and facing the Statue of Liberty so that both "Liberty and Fraternity" may welcome the nations and peoples "at the cross roads" of the world's peaceful intercourse, and, that the twenty million school children in the United States be the builders of this mute but eloquent appeal of humanity to humanity!

14. That a permanent Peace Temple and Library be erected in New York City to be used as an international Peace League Clearing House for the intelligent, economic and patriotic promotion of peace, international hospitality, and the peaceful arts and sciences.

15. The most historic masterpiece for the celebration would be the ratification of the pending arbitration treaty between the United States and Great Britain, closing, with a single pen stroke a century of negotiations, and the final settlement, as we believe, of all the serious differences that have menaced the peace of the two countries and at the same time provide for the judicial adjustment of future misunderstandings.

16. The celebration might properly conclude with an International Peace Conference, opening in New York and ending at the Panama Exposition in San Francisco in 1915, concentrating the peace sentiment of the world upon the specific accomplishments desired through the Third Hague Peace Conference, which will probably be in session at that time.

17. Finally, that the Peace Commission authorized by the Congress of the United States be appointed by the President as a grand climax for the close of a century of peace between two kindred nations and a promising good omen for the beginning of a century of international good will among all nations.

America has the proud distinction of being "the leader in the world peace movement." With the living Ex-President Roosevelt, who attained his greatest peace achievement in restoring peace between Russia and Japan; with President Taft standing prominently and deservedly as the world's foremost

executive, boldly declaring as early as March 22, 1910, for unrestricted arbitration of international disputes; with Mr. Carnegie's munificent endowment, supplemented by his unique international personality, with such men as our honored pioneer, Mr. Smiley, and the splendid work planned by Mr. Ginn's "World Peace Foundation," and with "a grand army" of splendid men and women peace workers, it may be well said of the world peace movement, in the words of the martyred McKinley, "it was reserved to the United States to have the leadership in so grand a work." And we should not forget the eloquent appeal, yesterday, of our English brother, Dr. John Clifford, who urged America to "lead on in the pathway of peace, for to falter now would mean calamity."

John Jay, Benjamin Franklin, John Adams and their associates substantially incorporated and inaugurated the principle of arbitration in our first peace treaty with Great Britain in 1794, and laid the foundation for the hundred years of peace. The Treaty of Ghent only supplemented it, in fact was little more than an armistice, but the Rush-Bagot agreement of 1817, for the limitation of armaments upon the great Lakes and along the boundary line between Canada and the United States, paved the way for a permanent bond of friendship extending for 3,000 miles across the western world, and is now being extended entirely around an English-speaking world!

A century of peace between England and the United States means more than the peace of the two nations. It is notice to the world that an era of *rational internationalism* is near, with judicial settlement and reason supplanting arbitrary force. The ratification of the pending arbitration treaty with Great Britain will be a most glorious inspiration for a world celebration.

To-day from this beautiful mountain, from this "house in the woods," this American Auxiliary Hague, dedicated to peace and consecrated by hallowed associations, the Anglo-American Peace Centennial Committee extends the hand of welcome not only across the Canadian border and across the sea to England, but to all her colonies and to all the peoples of all the nations of the world, and we invite them all to join with us in celebrating this triumphant century of progressive civilization. (Applause.)

The Conference then adjourned until evening.

Fourth Session

Thursday Evening, May 25, 1911

THE CHAIRMAN: The subject for the consideration of the Conference this evening is "The Churches and International Peace." As the first speaker I present a distinguished visitor from over the sea—one whom we gladly welcomed a year ago and whose return gives us all much satisfaction and joy—the Very Reverend, the DEAN OF WORCESTER. (Applause.)

THE PART OF THE CHRISTIAN CHURCH IN RELATION TO PEACE

ADDRESS OF VERY REV. W. MOORE EDE, D.D., DEAN OF WORCESTER

The subject assigned to me is the consideration of the part which the various organized bodies who own allegiance to Christ can play at the present time in the promotion of peace and good will among the nations of the world generally, and more particularly by following the lines of the Associated Councils of the British and German Churches for promoting friendly relations between the two nations, which Council Mr. J. Allen Baker, M. P., Dr. Clifford and I have the honor of representing at this Conference.

The real governing power of nations is public opinion; what the people earnestly desire, that the nations do, and the desire of the people depends on the ideals which they hold. It is therefore the duty of the Christian Churches to make Christian ideals the regulative ideals of the people, and to combat all ideals and influences which are hostile to the Christian ideal. Effective action in large communities needs combination and organization.

It is not sufficient for the churches to utter occasionally sentimental platitudes about the lion lying down with the lamb, or concerning the beauty of the angelic song of peace to men of good-will. It is the business of the church to bring the sentiment of the song down to earth, and show that it is the one true ideal and is practical politics. In short, to be as active in organizing public opinion in favor of universal peace and taking means to secure it, as the militarists are in their advocacy of warlike preparations.

The reference of all differences to arbitration presupposes mutual understanding, an acceptance of similar standards of

morality, and an absence of suspicion and mistrust. Hence it is natural that the first universal arbitration treaty should be between the two nations who have most in common, who are allied by blood, speech, forms of religion, and methods of government. As Professor Harnack recently said, "The wish alone does not produce the priceless treasure of peace and the wish alone is not able to preserve it. Peace is a fruit and fruits are harvested only when good seed has been sown, and the young plants tended till they yield their produce. Without this no peace is possible."

This being so, it is for the church (I use the word in its widest significance as inclusive of all organized Christian communities), to promote as far as lies in its power the spirit of good will and mutual understanding between the nations, and endeavor to counteract the action of those who inflame opinion and exaggerate misunderstandings. When England and Germany come to regard and understand one another, as the United States of America and England do and recognize a like fellowship, there will be no difficulty in establishing a universal arbitration treaty between them.

How can the church help to bring this about?

1. *The church must educate its members.* I do not know what your experience is, but mine has been that the organized Christian communities, with the honorable exception of the Society of Friends, have not even among their own members emphasized as they should the ethical character of Christian teaching generally and certainly not in relation to war and the use of force. Therefore, the first duty of the church is to impress the Christian ideal on the minds and hearts of Christians so that they believe in it, not as something remote, in the clouds, or for a different world than this, but as the one and only ideal workable in this world if men will but accept it and act on it.

If I read history aright, this is what the Church did in the first two centuries, but later, especially after the conversion of Constantine, the ethical teaching was side-tracked in all but a limited personal range of life; and to-day we, who are more or less still in the toils of the doctrinal and ecclesiastical controversies of the Reformation with its emphasis on personal salvation, have to regain the standpoint of the early church and lay more stress on Christianity as an ideal which should govern all human life, all human relationships.

2. *The church must educate the nation.*

The Christian church is not co-extensive with any nation. We must recognize that fact. Nevertheless, the influence of the Christian church extends beyond its membership and plays an important part in forming the conscience of the community, in-

fluencing public opinion and approximating it to the Christian ideal. It should therefore be part of the definite policy of the church to educate public opinion by earnestly contending for the faith, not acquiescing or remaining silent when the maxim, "If you wish for peace prepare for war," is enunciated as if it were the last word of political wisdom. The church must also meet the scoffs of those who sneer at the Christian ideal as impracticable. The church can reply to those who refuse to be guided by the Christian ideal by demonstrating the price paid in blood, treasure, morality and happiness by war, and by that armed peace which is almost as bad as war; and the church must never weary of making it clear that she stands for the supremacy of moral considerations. Moreover, the church should make it her business by the pulpit, by manifestoes and resolutions of her recognized assemblies, and by the use of the press to spread knowledge as to how national quarrels have been settled by peaceful means, and the possibilities which exist by arbitration treaties, Hague courts, and so forth, for the settlement of disputes by rational and judicial means.

While there is much truth in the saying that "the means to do ill deeds makes ill deeds done," it is no less true that the means to do good deeds makes good deeds done. When the average man realizes the existence of satisfactory means for obtaining justice without recourse to war he will desire and insist on their use.

3. *The Christian churches in the different nations must organize* for the promotion of more fraternal relations and for combatting those misunderstandings which are the result of ignorance, or due to the misrepresentations of those who in the press stir up ill will, inflame passion, and endanger the peace of the world.

Mr. Chairman, I am very jealous for the honor of our Lord Jesus Christ, that men should recognize him as their true leader, their Lord and Master. I believe man's welfare and happiness depend on bringing his actions, individual, national and international, into conformity with the teaching of Christ—the Christian ideal. I am also very jealous for the honor of the Church of Christ and desire that she should be the foremost agent in furthering the principles of Christianity and giving them practical effect. It is a reflection on the Christian Church that, in Europe at any rate, the organized bodies which are at the present time doing most in preaching fraternity among nations, and creating the spirit of good will, and who are the most determined opponents of militarism are the Labor party and the Socialist party. All honor to them for what they are doing, but it ill becomes the followers of Christ to permit leadership in the cause of peace to pass into other hands. Let the

church beware of indifference. If she is to be a visible church let her actively promote the public good by proclaiming in no faltering accents her Master's Gospel of Peace on Earth.

In order that the church may become an effective power for peace there must be closer and more fraternal relationship between the Christian churches of the nations that they may organize Christian opinion and utilize Christian agencies for furthering the Christian ideals of brotherhood, good will and peace.

This, the Associated Councils of the Churches of the British and German Empires for fostering friendly relations is endeavoring to do between England and Germany.

This Council came into existence because some Christian men in both countries, seeing the suspicions, ill-will and jealousy which were being stirred up by the militarists on both sides, and grieved at the apathy of the Christian Church, were moved by the Spirit of God to organize fraternal visits between representatives of the churches in the hope that personal knowledge would remove prejudice and secure the co-operation of the churches in the cause of peace.

In 1908 a number of German pastors visited England and were brought into touch with English Christian life. In 1909 a number of English representing every phase of organization which Christianity has assumed in Great Britain visited Germany where they were hospitably entertained. Each tour became a striking peace manifesto, for every meeting held, every banquet given, called forth expressions of the desire on the part of leading citizens that the two nations, so nearly akin, and so closely connected by intellectual and commercial ties, should live together in amity knowing no other rivalry than emulation in good deeds, commerce and the arts of peace.

The sovereigns of the two peoples expressed the national approval by personally receiving the delegates; King Edward at Buckingham Palace, the Emperor of Germany at Potsdam. So far, good. These fraternal visits were, however, but preliminary to closer and more permanent alliance for securing the co-operation of the churches.

An Association was formed in each country whose objects are defined as "The maintenance of brotherly relations and intercourse between the British and German peoples and the inculcation in both countries of the Christian precept of good will amongst men." Over 6,000 ministers and religious leaders from all denominations in the United Kingdom have joined the British Council and over 3,500 representing all forms of Christianity in Germany have joined the German Council.

These Councils aim at showing the solidarity of Christians in supporting peace by holding occasional meetings, such as

that recently held in London, which was presided over by the Archbishop of Canterbury and addressed by Herr Direktor D. Spiecker and His Excellency Professor Harnack.

These Councils have in view other means of promoting fraternal relations such as welcoming foreign students, the maintenance of a press bureau which shall circulate the pacific sentiments expressed on either side and give information as to the true feelings and opinions of the people, instead of leaving the nations to gather impressions of one another from paragraphs which appear under scare head lines in sensational journals.

In the words of the Archbishop of Canterbury, "The Council believe in the power of the Holy Spirit to vivify in us as Christians the spirit of Christian Brotherhood under the ever loving Father in whom we trust. We want each of the two great nations to have at its center a solid corps of men and women vivified by the Holy Spirit and the spirit of peace and we believe that in that way we shall bring about what will make the bare possibility of war and the spread of opinions which give rise to war first unlikely, then difficult, and ultimately quite impossible."

The Archbishop is right and expresses the idea well, but one phrase needs amendment. Instead of two great nations we should read all nations, and my colleagues and I are here for the purpose of urging on the Christian communities of this great nation to organize first among themselves, by enlisting the cooperation of every denomination in upholding the Christian ideal of peace and in the support of all measures which will secure national adhesion to the ideal. (Applause.)

"You say say, "Physician, heal thyself." The Christian churches of the United States are truer to the Christian ideal of peace than the churches of England. I admit it. It is because you are and because of the honorable place your country holds in relation to peace, and your advantageous position outside the complications and jealousies of Europe that I would urge the representatives of the churches in America, that having organized Christian opinion in your own country, they should endeavor to form a world federation of Christians who by means of conferences and other agencies should demonstrate the solidarity of Christians and their real unity of spirit in the common desire to promote brotherhood among men and the supremacy of Christianity, of the Christian ideal. And I will venture to repeat a suggestion made last year, viz., that such an alliance of the churches should lead up to an international interdenominational Church conference prior to the next Hague conference and so create that effective public opinion without which the diplomatists cannot advance far in the creation of international courts of justice.

The shortest sermon I ever read was one of three sentences:

“The World is wrong side up.

The World must be put right side up.

You are the boys to do it.”

The world is wrong side up in its ideas about war and the necessity of force which is an ideal essentially pagan. The world, aye, and the church of Christ must be put right side up. And you American churchmen are the boys to do it. (Applause.)

THE CHAIRMAN: We are now to hear a voice from the younger and the newer Germany, and it is with great pleasure that I present, to continue the discussion of this subject, the pastor of the Friedenskirche in Potsdam, which the German Emperor attends, and Secretary of the German Branch of the Associated Councils of Churches in the British and German Empires for fostering Friendly Relations between the Two Peoples,—LIC. F. SIEGMUND-SCHULTZE. (Applause.)

THE GERMAN CHURCHES AND INTERNATIONAL PEACE

REMARKS OF LIC. F. SIEGMUND-SCHULTZ

In these peaceful surroundings I am the only representative from that military country that you call Germany; but in spite of it, I am a messenger of peace. Not only is it my profession to preach peace, but it is also my joy; not only the name of the church at which I minister is Peace Church, but also the aim of its founder, King Frederick William IV of Prussia, was the peace of the nations. He wrote, nearly seventy years ago, in a letter to one of his friends: “It must be demanded from the Government, that it will never agree to enter into war.” And his last successor, our present Kaiser, said, following in his footsteps, in the same Guildhall of London which has just become the scene of this great peace pronouncement: “My aim is, above all, the maintenance of peace.”

The kings were peacemakers and peacekeepers; but what did the servants of the Prince of Peace himself? What work was done by the Churches of Christ in Germany?

Two representatives of the German Churches should be here to-day, but were prevented at the last moment and the German minister who is on the program, as the German speaker, wrote this morning that he could not be here. I am taking his place; so I am not speaking officially for the Churches Committee which sent me to this conference, nor for any German Church, but in my private capacity.

It is not yet possible to speak about a peace movement, as it is understood here, amongst the German Churches. May I refer some causes for this being so:

1. The peace movement in Germany has still only advocates, not apostles.

2. Our religious people and our churches have not yet this international view which you have in America and also in England. You know Germany is some twenty years old as a colonial power; the colonial, the international, the world-wide interest has gone to the business men, not yet to the churchmen. Our missions are small compared with English and American missions. So, too, the interest of international peace has not yet come to any church as a whole.

3. The Social-Democratic party of Germany, which is struggling against militarism, is not only anti-national but also anti-religious; other parties, which are national and religious, are bound by this antagonism to the Social-Democratics, so that the voices of peace are regarded by them as dangerous for the nation.

4. All politics are far removed from the Protestant Churches of Germany, especially from their governments; even the Roman Catholics refuse to interfere in foreign politics.

5. The Free Churches are very small communities in Germany; their influence is accordingly small compared with the State Churches.

6. We have no Society of Friends; and we *have had* no Society of Friends during the last few centuries.

So we have no real peace movement amongst our Churches; in the religious assemblies we have not yet spoken on peace. But on the other hand, with the *work* of peace, the churches have made a good beginning. The most dangerous point of Germany's foreign relations during the last years was her relation to Great Britain. In this point began our practical work for peace, originated at first from England, but followed heartily by some of our churchmen. Three years ago—to-day, three years—I went with the German ministers to England for that splendid visit, which was spoken of by the Dean of Worcester and which captured us as friends of our cousins. The next year, 1909, I had the opportunity to escort the British Church representatives through Germany, and the common peace work begun by all branches of Christianity in both countries was now completed in the same spirit of unity. After the return visit, we started, according to our Berlin Resolution of June 15th, two afterwork committees on both sides of the German Sea, which carried the work further. Now we have also in our country—about England you have already heard it—a large and influential Churches Council, to which some 4,000 ministers belong; nearly all the

leading men of our State Churches are members of it; many State ministers and Parliamentarians, also the late Chancellor Prince Buelow, joined the Committee. The Kaiser himself has on some occasions, as you know from the papers, shown his greatest sympathy for this peace work of the Churches.

But why, you ask, if this is done, are you not making a great peace propaganda? Why have you no real peace movement amongst the churches? Why? May I give an explanation which you will understand if you understand the German character: Words shall come after deeds; peace is a fruit of labor, as D. Harnack pointed out at the opening of the British Churches Council and the Dean of Worcester showed us again. Earnest work for good will and friendly relations is to be done at first. But I am sure the time is not far away when our German Churches will join with the English and American Churches for a peace movement of wide and influential character, and I am also sure this dual alliance between the churches of Great Britain and Germany will become—with your help—soon a triple-entente, an *entente cordiale*, not only for earthly relations, but also in a spiritual union. The work which is done for peace is the work of God. The patriotism which leads us in striving for peace, is the patriotism of the Kingdom of God, is the loyalty to our common King—He has a kingdom all over the world. The kingdom began when the angelic voices were heard from Heaven: "Peace on earth;" it was followed by the permanent human voice: "Thy kingdom come;" it shall be completed more and more by those, who are obedient to the call of the Master and to the visions of Him. And the Lord who greeted His disciples with the call, "Peace be with you," will surely, in our days also, greet his disciples in the churches of our countries with the same blessing for our nations: "Peace be with you!" (Applause.)

THE CHAIRMAN: The Conference is highly honored in that the Rev. Dr. John Clifford, pastor of the Westbourn Park Church in London and the well-known President of the Baptist World Alliance, has crossed the ocean to take a part in our work. I have the honor to present Dr. CLIFFORD. (Applause.)

THE DUTY OF THE CHURCHES IN REFERENCE TO INTERNATIONAL PEACE

ADDRESS OF REV. JOHN CLIFFORD, D. D.

I am not one of those individuals, who on arriving on the shores of New York is able to give instantly a complete analysis of the conditions of New York and of United States life and to pass a final and infallible judgment upon the people who dwell in America. Therefore, in anything I utter concerning

churches I hope you will understand that I draw my material from the British churches with which I have been familiar for the last half century, rather than from churches I have only seen now and again in the course of three visits to this country.

I think the only word that requires any definition in the treatment of our subject this evening is the word "Churches," and I am going to use it as describing all societies specially constituted and organized for the expression, maintenance and diffusion of religion. Such societies may be local or national, Hebrew or Christian, Roman Catholic or Quaker, Methodist or Baptist, but they are composed of men and women who are potential prophets of God, messengers of righteousness and brotherhood, and therefore apostles of freedom as against oppression of reason, as against brute force, and of universal peace as against all war. (Applause.)

Throughout all time individual men and women have lifted up their voice with clearness and strength in denunciation of war and in the advocacy of peace; and peace societies composed in the main of members of churches have wrought with patience and self-sacrifice, concentration and consecration to further the good work. The Labor movement, which in England is chiefly led by really religious men, is whole-heartedly on the side of peace. But it cannot yet be said that the churches have carried the entire weight of their immense influence and the mighty impact of their enthusiasm into this beneficent and God-inspired enterprise. That is a work remaining to be achieved.

Mr. Asquith declared that "Peace is the special care of the Churches." Count von Buelow has said the same. Surely it is so. The churches are the creation of God. They derive their origin from His will, and are animated by His spirit. They ought therefore to plan, organize, and work for the speedy extinction of war all over the earth.

No doubt the task for the churches as for the State is one of incalculable difficulty, and it does not help us to treat it as though it were otherwise. The *London Times* is afraid that in our exuberant joy over the new departure opened out for us by President Taft's message, we may misread facts, exaggerate the possibilities of the moment, and so hinder instead of help the movement in favor of international peace. People who think for a moment will not fall into that mistake. They know the causes of war are more complex than most men imagine: that ignorance is dense, indifference massive, selfishness strong, and that personal and corporate war interests sink deeply into and firmly grip our public life. They cannot forget that war is a profession; that the soldier's career appeals to ambition, and that large classes of society draw financial profit from everything connected with war, and are sure not to forego their

gains without a struggle. Besides many religious men do not at present admit the wickedness of war; some of them strongly but conscientiously hold that it has its place amongst divine institutions, and is used by God as His test for a nation's soul and the machinery by which national corruption and national virtue are punished and rewarded. Others tell us that war is not only inevitable; but that if we reduce the expenditure on our fleets, we shall be inviting all the calamities of war; and they support their assertion by pointing to the fact that modern statecraft is everywhere based upon the theory that military powers and gigantic armaments are the source, as well as the protection, of national wealth.

Now my experience with the churches of Great Britain in the dark days of the Boer war forces me to the conclusion that those false assumptions, false ways of thinking dominate many of the members of our religious organizations. And therefore our foremost duties are:

(1) To enlighten these minds; (2) To fortify them against whirlwinds of passion and gusts of prejudice; (3) To sustain their patience in times of panic; and (4) to feed their courage in the effort to live up to the level of their professions.

The historian Lecky tells us that no mistake made by the disciples of Christ has been more fatal than the fusing of Christianity with the military spirit. The effects of that fusion are as manifest as they are disastrous. Whole colonies of vigorous bacteria—false ideals, false dreams, false conceptions, have sprung from it and are hard at work corrupting the judgment and permeating society. We have to make war upon them and expel them from our borders. And since the churches are made up of units, we must direct our efforts to the individual members and especially to the young disciples of the Lord. These units vote; they shape the world's life. On their fidelity to the highest ideals the future hangs, and therefore our first work is with them and within the area of each local organization.

Now it is the first duty of the churches, remembering these difficulties to master the facts; to sift them carefully to show what is false, and what is true, regarding them; to deal with all the factors making for war and making for peace, whether material or moral; national or international; local or universal; to educate the people in a right apprehension of their meaning and value; to instruct them not only in the superior wisdom of humanity of arbitration, but also in the conditions under which arbitration may be carried out. For the question is at bottom one of ideas. Wars often start from false assumptions, and draw their strength from false ideas. Ideas rule. They are winged seeds. They have a momentum of their own. They march. There are no frontiers which can be successfully de-

fended against them, and no fortress can be built which they will not one day penetrate. Mr. A. W. Benn in his "History of Rationalism in the Nineteenth Century," points out that the moral emotion of which a nation is capable is almost fixed in quantity, but that it is transferred from one object to another as the age advances. No doubt this is so, as we can see in the way in which the emotions of men are now pouring themselves into the newly dug channels of social reform. The transfer is undeniable. It is felt. It is in our hearts. Some may dread it; but to doubt it is impossible. But what has made this transfer of emotion is the advent of new ideas (1) of the value of the individual; (2) of the solidarity of human life; (3) of the brotherhood of man; and (4) of the wrong and folly of war and of the possibility and blessedness of universal peace: ideas of which the churches of Christ are the God-appointed stewards and messengers; ideas that will make the world immune against the falsehoods out of which wars spring, and go far to secure a free course for arbitration and peace.

Now, first, standing right across the pathway of Peace is the idea that "human nature" does not change, and that as men have been killing one another from the beginning, therefore the murderous business must be kept up from age to age, and the hard-earned money of the masses of the people must be spent on building Dreadnoughts, flying machines, and all the terrific artillery of destruction.

But Darwin and Browning, the poet and the man of science, have both taught us that "Man is made to grow and not stop," and history shows us that he has grown,—slowly and with much pain and struggle, no doubt,—still he has grown. The Spirit of God is changing our thoughts and feelings, and renewing the inmost life of the world. Men do not think and act to-day as they did in the "Thirty Years' War." War itself is altered since the time of Napoleon and Wellington.

At the opening of the Spanish-American war your Congress sent out two statements: (1) that the war would not involve the conquest of the people of Cuba; and (2) that the war should not mean the letting loose of privateers against the enemy. Could that have been done one hundred, or even fifty, years ago? The fact is, Christianity has changed men and changed nations and so it has changed war. Two hundred years ago the rule was,—"punish your enemy in every way you can." No nation dare say that now. No nation ever poisons in war or uses explosive bullets now. The Red Cross army goes with its ministry instead. The rights of neutrals are recognized and a new spirit broods over the field of battle. There is a change, say what you will. The blind passions of hatred and jealousy that led to strife and bloodshed in the past are not as firmly rooted and as fiercely

explosive as they were a hundred years ago. That is certain; and the rate of transformation is increasing. Therefore the churches must labor to get rid as speedily as possible of all despair of man, and of all the fears of an outbreak of war which that despair begets. It is as mischievous as it is false, and as destructive as it is unhistoric. The "Conversion" of individuals, of races, of nations, is a positive fact and the hoary sophistry that denies it ought to be banished forever.

Nor will the churches do their duty unless they convert into the current coin of the world the fact brought home to us by Mr. Norman Angell, in his "Great Illusion," that not only are men changed; but that they are living in changed international economic conditions. It is not surprising that the commercial and monetary classes of the United States join hands with the propagandists of peace and the common man. They see the solidarity of the commerce of the world. They are aware of the prodigious change which has been effected in the economic relations of peoples within the last fifty years, and as practical money-making men,—not as emotionalists carried away by impossible ideals,—they agree that it is not by our military force that we protect our trade or obtain our new markets; but by the maintenance amongst the nations of relations of mutual confidence and good will. They see that war jeopardises the commerce and trade of the world, and that the more crushing the overthrow of the enemy, the more disastrous are the losses of the conqueror. From a purely economic point of view the settlement of international disputes by the sword is as foolish as it is ruinous, and as wasteful as it is wanton. Our churches are composed of business and professional men, of employers and employed, and they should be taught these facts and truths in classes for social study or in some other way. When this economic aspect of war is understood, the old fallacies that originate and support it will be banished once and forever.

The churches must also set themselves to the task of getting rid of the fear of war, which is the chief argument for that preparation for war which is so indescribably costly in time of peace. It is that fear which keeps up and extends the military system and thus adds to the burdens on the backs of the poor, blocks the way of social progress, blinds the judgment, and confuses the thinking of the disciples of Christ. It is that fear which costs Europe four hundred millions of pounds (two billions of dollars) a year for armies and navies. Yet it is certain that the fear springs from false assumptions and is mostly nourished by false alarms. Men talk as though the prosperity of one country must be a menace to the welfare of another; set themselves to stir up international distrust, create international jealousy and suspicion, raise a naval scare at the moment the

naval estimates are to be discussed; plead for conscription as a universal duty, and turn the press into an engine of panic. With perfervid zeal they urge the hoary falsehood that to secure peace we must prepare for war—as though it had not been demonstrated, times without number, that such preparations in one country challenge increased armaments in another, and thus not only endanger peace, but also threaten, by the enormous taxation to which they lead, to provoke a revolution. It is the duty of the churches to expose all tactics that foment war, and by echoing the appeal of history and reason, to “ingeminate peace.”

Another duty the churches must discharge is that of teaching the young that war is *not now* (whatever it may have been in the past), God’s school for shaping and fashioning ideal men. That day is gone, with that of the tyranny of kings, and the miseries of slaves. We need not, and we do not, for a moment, derogate from the splendor and glory of brave soldiers who have risked their lives for freedom and justice. We rejoice in their chivalry and honor their devotion. Besides, we admit that efficiency is only secured by drill, and maintained by discipline; but then life itself is from first to last an instruction in and a training for clear insight, wise discrimination, strength of grip, tough patience, high courage, firm self-control, noble purpose, alert promptitude, and all the qualities of a fine manhood. From this life-war there is no discharge—nor even a furlough: therefore it is worse than carrying water to the full ocean, to add the murders of the battlefield to the unescapable struggle and drill of every-day experience. In short, neither war nor the preparation for war can be regarded as forming so excellent a school as the businesses and professions which confessedly are as necessary to society as that they help and enrich the world. In this as in so many other respects war is a gigantic fraud.

Again the churches must teach and practise the doctrine they are so slow to accept out and out, that not only hath God made men of one blood, but also that in His Providence all nations are inter-dependent, and that the gains of nations in education, in culture, in virtue, are to be pooled for the benefit of the world. We cannot do without one another. The world is really a co-operative commonwealth. All our interests are inextricably interwoven, and can only be realized in their completeness by any of us on the principles of universal brotherhood. God has drilled and equipped most of the peoples apart, and in their several national schools, and now He is perfecting His educational work by bringing them into close alliance with each other, that as members of the same family, entitled to enjoy the same liberties, and exercise the same rights, all may be enriched by each, and each may share in the treasures of all.

It is on this international spirit we have to rely for the achievement of the Peace ideal. It is this that will make war an odious and impossible crime out of harmony with the humanity of to-day as much as "the wars of religion" or the burning of witches in the past, and will relegate armaments to the museums along with the rack and the thumbscrew of the Middle Ages.

"If a nation is to be saved it must be by its youth," said Lord Beaconsfield. It is the duty of the Churches to organize a settled and abiding peace through leavening the thought of the young with peace-making ideas, winning their active sympathy with the propaganda of arbitration; guarding them against accepting the current falsehoods as to war, and thus establish the reign of law, reason and good will instead of that of the brute force of armed nations. (Applause.)

Before taking my seat I want very briefly to illustrate from my own knowledge the origin of the League between the churches of Great Britain and the churches of Germany for Friendship and Peace. I remember as though it were only yesterday Mr. J. Allen Baker (applause), a member of our House of Commons, coming to my house in 1907 and saying he wanted to talk to me. He was then chairman of the Metropolitan Council of Free Churches. And amongst his utterances, this came first: "I have a great concern about which I want to talk to you." With wonderful tact, with a beautiful disposition, with marvelous wisdom he threaded his way through the difficulties and intricacies of solving the problem of bringing the churches of Germany and Britain together—it was done and it is one of the wonders of the time! (Applause.) You have already heard that the Roman Catholic is in it as well as the Quaker, the Methodist as well as the Baptist, the Anglican is there, the Archbishop of Canterbury is our president. We have representatives of *all* the churches. I believe it has been one of the most effective instruments in the dissemination of peace during the last three or four years and I doubt not that the two messages we have already received, one last December and another last March, from the present Chancellor of Germany, which have in them something of promise of reduction of armaments—or of consideration between the British government and the German government upon this subject—might be traced to the influence of this great league. Along that line it is for our churches to go; linking up the local churches of the city, then those churches with the rest of the churches of the nation; then those nations with the other nations of the world. (Applause.)

My last point is illustrated in this Mohonk Conference as it is the type and pattern of the binding together, not of all churches simply in town or country, but of all the nations of the earth in a bond of everlasting peace. My friend, Mr. Baker,

in endeavoring to persuade me to leave my country some weeks before I intended to do so, rose to dithyrambic strains in describing Mr. Smiley and this Conference: but I have to tell you this experience of two days is precisely like that recorded in the Scriptures—that “not half was told me!” (Laughter and applause.) I count it one of the greatest joys of my life to be permitted to meet with you, to hear what I have heard, to have heart expanded as well as brain illuminated and will strengthened to go forward in this fight for universal peace. By the continuance of this Conference, by a repetition of meetings of this sort, the nations shall be gathered together and so the bright vision of the prophets and poets of the past shall be realized in the wide experience of mankind. (Applause.)

THE CHAIRMAN: This great union for peace of the churches of England and Germany was, as you have just heard, initiated largely by one man, a Member of Parliament, and a devoted friend of arbitration and peace. That man, Mr. J. ALLEN BAKER, M. P., of London, has consented to say a word on the subject before us. (Applause.)

THE ASSOCIATED COUNCILS OF ENGLISH AND GERMAN CHURCHES

REMARKS OF MR. J. ALLEN BAKER, M. P.

I am asked to say a word as Chairman of the Executive Committee of our Anglo-German Associated Councils of Churches for promoting peace and good will between our countries, although to me it seems really superfluous to add anything to what has been said.

At the Guildhall meeting we had some very important speeches that represented fully and I think adequately the feeling of the Christian bodies of England in regard to this matter. Perhaps I might quote one or two sentences from the speech of the Archbishop of Canterbury. He said: “We are here with practical unanimity to hail as the Christian citizens of a Christian land the inauguration of what we believe without hesitation, to be in consonance with the will of God.”

And the Roman Catholic Archbishop of Westminster said: “Whatever we may think politically or religiously, all to-day are ready to join hands in carrying into effect the noble proposals set forth from the other side of the Atlantic and welcomed so gladly in our midst.”

The Chief Rabbi Dr. Adler also made a very eloquent speech, referring to the prophecy of the ancient prophet which he hoped might soon be fulfilled, when “swords shall be beaten into plowshares and the spears into pruning hooks.”

I think here I might just refer to one other thought that may have been overlooked on this side in regard to the question of the uniting of the churches, Protestant and Catholic, in regard to this great question of peace and arbitration. Archbishop Bourne of Westminster, in delivering his speech, referred to what had happened about fifteen years before. He said: "Perhaps there are some here who will recollect that fifteen years ago almost to the day, the leaders of those whom I represent in England and Ireland and across the Atlantic, put forth on Easter Day in 1896 a fervent appeal for some such scheme of arbitration as is now set before us for our approval and assent. . . ." These were some of the words of the appeal: "We, the undersigned, representative of the Prince of Peace and of the Catholic Church in our respective countries, invite all who bear our views to cooperate in the formation of a public opinion which shall demand the establishment of a permanent tribunal of arbitration as a national substitute among the English speaking race for the bloody arbitrament of war." This was signed by Cardinal Gibbons, your well-known and popular Roman Catholic Cardinal in this country; Cardinal Logue of Armagh, and by Archbishop Bourne's predecessor, Cardinal Vaughan. I lay some stress upon this because one of the most significant and hopeful things in connection with the work of our churches is the fact that without regard to sect or denomination, we have been able on our side of the water to join hands heartily in trying to promote peace and good will between the nations of England and of Germany; and if you are to succeed,—and we are looking to you to be our leaders in connection with uniting and leading the churches of the world in a great league of peace,—it must be that you too will join hands heartily, and that you will form strong committees and see that, however you may be divided on ecclesiastical and dogmatic matters or matters of belief, in regard to the great question of peace and good will among the nations all who are Christians, and all who belong to any religious body, should unite as one man to further that great cause! (Applause.)

Now what can I as a layman say in regard to this work between our English and German churches. It is most remarkable for the fact I have mentioned, the uniting of all the sects. For the first time I believe in German history, the Lutheran and Non-Conformist and Roman Catholics in that country joined hands in any movement and this was to come to us for a friendly visit. And as far as I know it is the first time that the representatives of all Christian bodies in one country have visited their brethren in another land for the express object of furthering good will and friendship between their two peoples. Those visits were characterized by the great-

est friendliness and they have been followed, I think I may say, with most beneficial and blessed results. To be successful, one saw at first that we must not only have the union of the churches of all sects, but we must also interest our governors and those placed in high positions, and that we must also get the sovereigns of our two Christian states to themselves approve and take an interest in the movement. One of the most helpful and delightful experiences I had in the early days of trying to organize this movement was after my return from the Hague Conference in 1907. Returning to London, my position as Member of Parliament gave me entrée to the Prime Minister, I sought counsel and advice from that great lover of peace, the late Sir Campbell Bannerman. I found him very sympathetic; he said, "It is a beautiful idea, but why should you Christian brethren lag behind in your work and in your duty in regard to this question? We have had already an interchange of visits between the countries of burgomasters, editors and groups of workmen which have had good results, but I should have thought that the churches, who profess to be the followers of the Prince of Peace, would be the leaders in this movement." That is the way the matter is looked upon by those in high places. I replied, "If now the time is opportune to make this a success, will you Sir Henry help us and preside or speak at a great meeting of welcome to the Germans, if we hold such in Albert Hall?" He said, "If I am able at the time of your meeting, I will gladly do whatever I can to help the movement on." Before that great meeting took place in Albert Hall in the following year he had gone to join the great majority, but we felt that the approval that he as Prime Minister had given to the scheme was a great incentive and from having his coöperation it became much easier to get the coöperation of the leaders of the churches and to carry out the work we have done.

Last evening a quotation from the letter of Mr. Asquith in which he welcomed the Germans in 1908 was referred to as to the position that he, as Prime Minister, takes, and the opinion that he holds in regard to the work that the churches ought to do in regard to international peace. I want to just refer to a sentence of similar import from a message that was sent from the Imperial Chancellor, Prince von Buelow, to our great meeting in Berlin in the following year when we gathered there. He said: "As heralds of God's peace on earth, the representatives of the Christian churches of England, together with the clergy of other countries, are especially called to work for peace amongst nations and to oppose peace-disturbing tendencies." You see, ladies and gentlemen, we are looked to from the highest quarters to take the lead as Christian churches in this movement; and I believe the church and its work in other directions as

well as in this, has suffered very greatly because we have not been true to the simple teaching of Christ, the Prince of Peace. Why is that great socialistic movement in Germany and in France very largely outside the influence of the Christian Church? They are doing the work over there that the churches ought to be doing (applause) and we must feel our duty in regard to this matter. If the churches get together—as my distinguished relative, Dr. Sparling from Canada said last night of the churches in Canada—if they unite they can dominate these great questions as to military armament and expenditure for war. I believe the same is true in the United States. We are looking to you to lead. We hope that you *will* lead. We have shown between Germany and England that something practical can be done, and that work is progressing in both countries. If you will become our leader we may have a uniting of the Christian forces of our three countries—the three greatest powers in the world, the three greatest Christian nations in the world. But we want to include *all* nations, and we must not rest, ladies and gentlemen, until that in which we believe, and believe from the bottom of our hearts, that great prophetic vision of the Hebrew prophet, is made a practical reality, when “nation shall not lift up sword against nation, neither shall they learn war any more!” (Applause.)

THE CHAIRMAN: One year ago, at the Mohonk Conference, the clergymen present formed a Committee, a report of which will now be presented by its Chairman, Rev. JUNIUS B. REMENSNYDER, D. D., Pastor of St. James Lutheran Church, New York City.

REPORT OF CLERICAL COMMITTEE OF THE LAKE MOHONK CONFERENCE

BY REV. JUNIUS B. REMENSNYDER, D. D., LL. D.

At the last meeting of this Conference, at a meeting of clergymen called by the Dean of Worcester, the Very Rev. W. M. Ede, D. D., this Clerical Committee was appointed to devise means to quicken the religious sentiment of the country to such a vigorous expression against international war, as would influence statesmen to find ways for the maintenance of peace.

This end your Committee has sought to effect in several ways:

(1) By calling a public meeting of the several Ministerial Associations of Greater New York to give a forcible expression in favor of peace.

This was held in the Marble Collegiate Church, Rev. David J. Burrell, D. D., pastor, November 7, 1910. At this meeting, perhaps the largest and most enthusiastic ever held by the clergy of New York, after addresses had been delivered by representa-

tive ministers of the various churches, the following resolutions were adopted:

RESOLVED, By this Ministerial Convention, representing the various Christian Denominations of New York, that controverted questions between Christian peoples should be settled by means of reason and right, and not by the arbitrament of force and violence; that war, with all its injustice, horrors and demoralization, is in direct contradiction of the tenets of Christianity, and that its continuance is a glaring inconsistency and a burning disgrace to Christian civilization; that the vast increase of modern armaments by land and sea, fitted with explosives more terribly destructive of human life, and burdening the common people with oppressive taxes, which make severer the conditions of existence, is directly opposed to that progress toward universal prosperity and brotherhood which should attend the wider dissemination of the gospel; that this prevalence of the spirit of militarism and preparation for war puts Christianity to sore disadvantage, arms its critics with an unanswerable argument, and puts a serious stumbling-block in the way of its efforts to propagate Christian missions and to preach to unchristian peoples the gospel of Peace, which it fails to practice at home;

RESOLVED, That we call upon all the Christian ministry and laity of the United States to use their utmost efforts to develop a sentiment in favor of the cessation of war, which shall make itself felt by our lawmakers and representatives and contribute to the hastening of the era of universal peace.

(2) By the recommendation of Christmas Sunday as an opportune time on which the ministers of our country should preach on the vital importance of peace between those peoples who profess to be animated by the spirit of the founder of Christianity, whose noblest title was the "Prince of Peace."

(3) By communicating to the President of the United States the strong support which the general Christian sentiment was giving his vigorous efforts for International Peace, which assurance the President thankfully acknowledged.

(4) By informing His Grace, the Archbishop of Canterbury, of the great awakening among Christians of the United States, as to the duty of peace, and assuring him of our hearty coöperation in his peace propaganda among the English clergy. To this letter His Grace responded that he was in correspondence with the presiding Bishop of the Protestant Episcopal Church of this country on this subject.

(5) By the appointment of delegates representing the clergy and laity of the several churches of New York to the Third National Peace Congress in Baltimore, opened by President Taft, May 3, 1911.

(6) By communicating with a number of Peace Societies throughout the United States, sending them reports of our New York activities, etc.

In the Federal Council of the Churches of Christ in America an agency exists peculiarly adapted to the present aim of those who, through the churches, seek to develop among the people of our country, the conviction against war.

Organized in December, 1908, upon a plan first adopted by the highest judicatories of over thirty denominations already in fellowship, and representing seventeen millions of communicants, the Federal Council is exercising a widespread influence in the interest of church federation, moral reform and social service.

Recently in quick response to the suggestion of the National Council of Free Churches in England, the Federal Council through its Executive Committee promoted the observance of April 2nd as Arbitration Sunday throughout the United States.

The Business Committee of the Federal Council will request the Executive Committee at its session next month to make provision for such coöperation of its organized forces with other agencies now in the field, as may enable the Council to do the part which clearly belongs to it in the education of America in the principles and practice of the peace program of the world.

Your Committee submits as its declaration the following:

RESOLVED, That the Christian Church, by reason of its message of the Fatherhood of God and the Brotherhood of Man, and in view of its history in the overthrow of giant wrongs and the uplift and progress of the race, should be foremost in the blessed work of the establishment of peace.

RESOLVED, That we note, with profound gratitude to Almighty God, the signs everywhere breaking forth of a mighty awakening of Christians to their positive duty in this respect,—which is a bright presage of universal peace.

RESOLVED, That we hail, as a practical outcome of this fact, the prospective treaty between England and the United States, submitting all questions of honor or otherwise, to arbitration, which we trust will be the harbinger of similar action between the Christian nations of all the earth. Then will dawn the Golden Age foretold in holy writ: "And they shall beat their swords into plowshares, and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more."—Isaiah II:4.

JUNIUS B. REMENSNYDER,
DAVID H. GREER,
DAVID J. BURRELL,
CHARLES E. JEFFERSON,
NEWELL DWIGHT HILLIS,
CHARLES H. PARKHURST,
Committee.

(Applause.)

There are three reasons why the churches should take the lead in the campaign for peace. Peace is the first, the fairest and the noblest of the virtues. But, as Sir Arthur Balfour shows in "The Foundations of Belief," there never has been an efficient and durable ethics which did not have the sanction of *religion*. The church, therefore,—just because she understands her mission better than her critics and knows wherein lies the secret of her power,—is first of all a priestess of religion, is the supreme agency which must imbue the hearts of men with the spirit of true and lasting peace.

Secondly, the church is an *universal* kingdom. Her empire alone overleaps all national boundaries and ignores all racial lines. Her communion knows no sectional prejudices or hates, but unites all souls of every blood and nation in the one great family and brotherhood of man. This especially fits her for the task of international amity, fraternity and peace.

Thirdly, the distinctive ethical message of the church is *peace*. Jehovah of the Old Testament is a God of Peace, and great and good as was King David, he could not build the Lord's Holy Temple because his hands were stained with the blood of his brother men. The Christ of the New Testament, in the glowing prophetic visions, wore the beautiful title, "Prince of Peace" and the air of his holy natal night was entranced by the sweet angel song, "On earth, peace, good will toward men."

The church, therefore, is preëminently and uniquely fitted to be in the van of the peace movement. But again, the church *has* taken this leadership. You ask me when? She took it long ages ago. The church is often severely criticized by reformers because she will not adopt their methods of propagandism. Reformers, without whom the world would not move forward and would be a somewhat dull and monotonous place, are apt to be extremists. They cannot wait the slow but sure operation of mighty forces. The church is sagacious, far-visioned and irresistible, because she is conservative, and, like nature and God and time, refuses to be hurried. Says the acute thinker, Luthardt, "the church overthrew the three greatest plagues of the ancient world, slavery, the degradation of woman and the exposure of children (infanticide), not by an open fight with them, interwoven as they were with the established social order, but by quietly and steadily infusing a new spirit into all the relations of life, by creating an atmosphere in which these false institutions could not survive, even as Heine makes the pagan gods fade away when a lowly Nazarene enters their banquet hall and throws his cross on the table. Thus Christianity introduced the new era of humanity,—of the rights of man. And it is because the church, by her great army of priests as ministers, and by her vast multitude of lowly teachers, has been silently imbuing the minds of old and young with the sentiments of justice, brotherly love and peace, that the world is ready to-day to take the finest step that has ever emblazoned the annals of history or brought tears of joy to the loving eyes of angels, wont to weep over the unchristian, inhuman, shocking savagery and carnage of war. (Applause.)

A virile ex-president and a prominent bishop of the church warn us lest we lose the disciplinary virtues fostered by war. Christianity in reply points to the lowly peaceable graces as the rarest human virtues. Says the historian Gibbon: "It exercised

its confessors in humility, meekness and patience." Writes Hallam in his "Middle Ages:" "Christianity cared for the poor and unfortunate and scattered wide over Europe those eleemosynary institutions for the alleviation of human misery, not a single instance of which existed under the moral systems of pagan Greece and Rome." Yea! Christianity taught that it was stronger to control passion than hotly to strike, nobler to save an enemy's soul than to shed his blood, sublimer to conquer and uplift a foe by kindness than to crush him by hate and force. Above all, it taught the might of suffering love, the resistless power of sacrifice to overcome the ferocity of an enemy, and to win him to a brother's heart.

Finally, the church should ever be awake to the fullness of the times. The hour for this great victory of peace has come and when Providence places a new creative epoch in history in our power, great would be our criminality were we by our apathy to let the golden hour pass unimproved.

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life,
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current as it serves
Or lose our ventures."

God in His wise and loving Providence, grant that, for the welfare of mankind, for the honor of human nature, and for the sake of the beautiful, heaven-born spirit of pity, the churches and states of the earth may so rise to this divine opportunity that the cruel, horrid, blood-fanged demon of war may be exorcised from the stage, and this earth will roll backward upon its axis sooner than that he shall ever return. (Applause.)

THE CHAIRMAN: This gratifying report of activity on the part of American churches will be supplemented by a statement on behalf of the Federal Council of the Churches of Christ in America by the Secretary of the Council, Rev. E. B. SANFORD, D. D., of New York.

THE FEDERAL COUNCIL OF CHURCHES

REMARKS OF REV. E. B. SANFORD, D. D.

I wish merely to call your attention to the fact that more definite progress has been made in the last ten years in unifying and correlating the religious forces of the United States than in all the preceding years of our national history. This is especially true as related to the corporate life and action of the denominations that are designated as holding to historical and evangelical Christianity.

I hold in my hand the Plan of Federation under which thirty-one Protestant church bodies of our country, having a membership of upwards of seventeen millions,—double this if you count their adherents,—are *constitutionally* federated “for the prosecution of work that can be better done in union than in separation.” This means that this Constitution of the Federal Council of Churches of Christ in America has been adopted by the official action of the highest national judicatories and conferences of the thirty-one denominations in its fellowship. This includes all of the Presbyterian, Reformed, Methodist Episcopal and Congregational Churches with a large representation of the Baptist and Lutheran Churches. The General Convention of the Protestant Episcopal Church has never acted upon the Plan of Federation, but it has authorized its Commission on Christian Unity to come into such relation with the Council as they might deem helpful.

This brief statement of action leads to the further statement that the churches of the United States are already acting as a mighty factor in the propaganda for international peace.

At the meeting of the Federal Council at Philadelphia in 1908, a committee on international relations, through its chairman, Henry Wade Rogers, LL. D., head of the Law Department of Yale University, made a report followed by resolutions that were unanimously adopted by the official representatives of the larger part of the Protestant church membership of our country.

I wish in this presence, with a joy in which I know you will all share, to put before you this representative action of the churches of our country two years ago in which they made the very plea for arbitration that is now incorporated in the proposed treaty between the United States and Great Britain. I quote from the record in which the Federal Council

“(1) Declares its conviction that war is evil and that Christian nations should determine by obligatory arbitration the international differences which cannot be settled by diplomacy. For Christian States in the Twentieth Century to refuse to arbitrate and to insist on war will be to bring reproach on the Christian name.

“(2) It favors the creation of the International Court of Arbitral Justice proposed by the Second Hague Conference, and hopes that the Government of the United States will promote its establishment and that at the earliest possible day.

“(3) It is opposed to increase of armaments and deplors the failure of the Hague Conferences to come to an agreement upon this all important subject.”

The Federal Council of the Churches of Christ in America is alive to its responsibility in the education of public opinion in this great peace movement. Through its Executive Committee it is in a position to mobilize the Christian forces represented in its great fellowship quickly and effectively.

Last, but not least, on behalf of the Federal Council I am permitted to pledge hearty coöperation in those plans that look for a close co-ordination of religious and peace organizations of every name in this propaganda for peace and the principles of a world-wide brotherhood. The Dean of Worcester and Dr. Clifford can bear across the water the assurance that the Federal Council of the Churches in our country is ready to clasp hands with the friends of peace in England and Germany and every land. (Applause.)

THE CHAIRMAN: We are now to have the pleasure of hearing a voice from Canada. I present Rev. WILLIAM SPARLING, pastor of the great St. James Methodist Church of Montreal.

CANADIAN CHURCHES AND PEACE

ADDRESS OF REV. WILLIAM SPARLING, D. D.

I am not here, Mr. Chairman, to represent the eight million people of Canada; we have distinguished representatives from Canada present. I am not here to represent the churches of Canada, but I am here to express the ardent wish that Canada might have a vital part in one of the greatest movements of history, namely, this peace movement. I have the persuasion that what we need—at least in Canada—is strong, solid public opinion upon this great moral question. At bottom the forces that make for peace are moral forces, and those moral forces reside in the heart of the individual; hence, the responsibility that rests upon all our churches in creating the national opinion that will bring about the day of peace. Let me quote again more fully what the Prime Minister of England has said about the obligation of the church: “The promotion of peace and good will among nations is the cause which has been specially committed to the care of the representatives of the churches of all countries and creeds.”

I shall merely suggest three things that I believe the churches, especially in Canada, ought to teach. There are many of us who preach a gospel so meagre, so provincial and so microscopic that I do not know how we are ever to produce great men and women as the result of that gospel. I believe that the great need with us is a gospel of larger vision.

Now, in the first place, the Christian church ought to make her faith in the mission of Christianity a working conviction rather than a pious opinion. She ought to teach that our religion is not a national but a cosmopolitan religion; that our Christian spirit is not a racial but a humanitarian spirit. She must teach that the war spirit is the arch enemy of Jesus Christ and that war and Christianity are mutually destructive forces. She ought to teach that the principles of the New Testament must be

applied to nations as well as individuals, and that our Local and Imperial Legislatures should be filled with men who really believe in national and international righteousness.

In the second place, the Christian church ought to preach a larger view of the kingdom of God, which is a spiritual society whose two cardinal principles are the fatherhood of God and the brotherhood of man. But these two cardinal principles lie at the basis of all social and benevolent reform and of the onward progress of the world. Never in the history of the world was there a time when desire for equality and freedom and fraternity was so wide, so deep and so true, as it is to-day. Beneath the cries and moans of our great cities and empires, beneath those terms Socialism, Republicanism, and Democracy is a yearning for freedom and fraternity. English statesmen to-day are talking about imperial federation; that is a step towards the federation of the English-speaking races and that will be a step towards the federation of the wide, wide world. And the kingdom of Jesus Christ is God's answer to man's highest aspirations and the crowning work of his great work of redemption for man. O for a kingdom of Christ like that preached in all our churches! It must have a widening and stimulating effect upon the hearts and minds of the people.

And in the third place, the Christian church must preach that love is the all-conquering force in the world; a love which will drive out the belligerent spirit from our hearts and will help us that we may never stimulate that spirit in other hearts; a love that will give to us a true patriotism which seeks to develop its own institutions, but which allows every other people to develop their institutions; a love which will always seek to get your point of view racially and nationally; a love which will always cultivate moderation and respect in all our writings and in all that we say about those who differ from us in language, in customs and in institutions. If we could only get the Thirteenth Chapter of First Corinthians written upon the hearts of the people, we would have no war. We could not go to war. People who have that spirit in them could not fight one with the other, and it is the only atmosphere in which nations, like individuals, can grow to their fullest stature. (Applause.)

Christian friends, I wish we could get the churches of Canada thoroughly aroused on this great question! I tell you honestly, for I think I know a little about the churches there, the Protestant churches and the Roman Catholic churches in the Dominion of Canada can do whatsoever they will if they are thoroughly aroused! I do not know whether the American people know what that means or not, but I tell you it is true of Canada. The Church of Christ is no small, puny thing over there. They can carry any question to a successful issue if thoroughly aroused.

I would like to see a Sabbath day set apart in our country as a national Sabbath—when in every church from the Atlantic to the Pacific this gospel of peace should be proclaimed, when our people would have pointed out to them the folly and the weakness and the wickedness of war and shown how nations ought to dwell together as Christian people, and how we ought to settle our disputes in the spirit of Christian love.

Another thing our Canadian people need—perhaps we need it everywhere, but there especially—is to have it written deep upon our hearts that war cannot bring us anything but bad. There are people who profess to point out some good things of war in history but I do not think that war can possibly bring Canada anything but what is bad. Just think of a Christian people—for we call ourselves a Christian people—dwelling side by side with a great Christian nation to the south of us, and across the boundary line between us, it is confessed, that not a shot of hostility has been fired for nearly one hundred years! Ought we to be afraid of this great Christian nation just to the south of us? And ought we to be busy at work developing an army and navy lest we should have to quarrel with this great Christian nation? God forbid. There is no necessity for it. Moreover we are a peace loving people; we do not want war. We do not want territory; we have more territory than we can conquer and settle and cultivate in the twentieth century. We are just now digging into the material and laying broad and deep the foundations of our empire, and a great empire it will be! We need all our time, all our money, all our energy. Ought we to be hindered in our great work in any sense by the spirit of war among ourselves or among other people? God forbid! Mr. Chairman, I have the fullest conviction that Canada has everything to gain and nothing to lose by entering an alliance for peace with any nation, or for the peace of the world. (Applause.)

Mr. Chairman, my last word is this: I challenge this country to call a halt and not add another soldier to your army or another war vessel to your navy. I do not know what kind of navy we in Canada have. I am sorry we have what we have. I say it candidly, I do not know what my friends in Canada may think of me, but I say it honestly, I am sorry we have what we have. However, I do not wish to emphasize that. I simply say that for these two Christian countries to make the world believe that what they are saying is sincerely believed by them, they must lay down their arms now, or at least, must cease increasing their armaments. I hope we will do it, and that Canada will take her part in helping this great country in the battle for peace. I believe you can count upon us. (Applause.)

THE CHAIRMAN: We had hoped to have with us to represent the great Catholic Church, both His Eminence Cardinal Gibbons, whose presence at one of our former meetings many of us remember with delight, and Father Lavelle, Rector of St. Patrick's Cathedral in New York. Both are unhappily detained, but Cardinal Gibbons has sent a letter which will now be read.

LETTER FROM HIS EMINENCE JAMES CARDINAL
GIBBONS

CARDINAL'S RESIDENCE,
408 N. Charles St.

BALTIMORE, May 19, 1911.

Mr. H. C. PHILLIPS, *Secretary, Lake Mohonk Conference,
Mohonk Lake, Ulster Co., New York:*

My dear Mr. Phillips.—I am in receipt of your esteemed favor of the 17th instant and I regret very much that on account of my many engagements, I am obliged to inform you of my inability to be present at the coming Conference. It would indeed be for me a pleasure to do so, especially as I have been urged by so many to be present and to represent the Catholic Church and to speak in behalf of Catholics in reference to and in favor of the movement for promoting a good understanding between England and Germany.

At the recent International Peace Conference held in Baltimore, I had the honor of delivering an address in favor of the establishment of a permanent treaty of arbitration between this country and England. In the forthcoming June number of the *Century Magazine*, I will have an article on the same subject. And I truly believe that if the same relations could be established between England and Germany, it would be of incalculable blessing, not only to these two great nations, but also to the world at large, and I pray that the day may soon come when all the nations of the earth may be joined together in a permanent pact of peace.

Thanking you again for your cordial invitation, I remain,

Very sincerely yours,

J. CARD. GIBBONS.

(Applause.)

THE CHAIRMAN: To represent the Protestant Episcopal Church, I have the honor to present Rev. CHARLES LEWIS SLATTERY, D. D., Rector of Grace Church, New York City.

THE SPIRITUAL GROUND FOR ARBITRATION

REMARKS OF REV. CHARLES L. SLATTERY, D. D.

I should go one step farther than the last speaker in saying that this was more than a moral question, it is a spiritual question. I remember hearing a clergyman who was also a school-master, preaching a sermon to his boys one morning, giving this advice: "If you hear a boy swear, or if he begins to tell you a nasty story, do not argue with him about it do not say you will tell the teacher, but knock him down." And I think most of us would feel that was wholesome advice. There are times when the bad boys among the nations ought to be knocked down, and it is only gradually—if I may use my own personal experience—that I have come to the feeling that arbitration ought to be the way for settling international difficulties.

But a good many of us, I am sure, have been gradually convinced that arbitration is better than force in every case, because we believe that in this great movement God is leading us. After all, the world is God's and we follow simply where God leads. We do not argue it out by rational principles; we do not argue it out by practical principles; but only because the force behind it seems so irresistible that we believe God Himself is leading us. I very heartily second what Dr. Sparling said about the wish that if we are going to have arbitration, if we are going to ask for it in any true sense, every nation that asks for it must stop instantly the building of battleships and the adding of soldiers. Once more, it is a spiritual problem.

The Old Testament is the great story of a nation, there never was such a story of a nation written, and I fancy no such history ever will be written again. The New Testament is the story of a life; the Old Testament of a nation. If you want to find out how God manages the world when he takes the world into his keeping, you will find it in the story of David's sling; in the story of the prophet who prayed that the discouraged young man, fearing he was to be overcome, might have his eyes opened and see the hosts of heaven fighting for him; and remember the sentence which sums it all up, "Not by thy sword, but by my might, saith the Lord." And so, I am sure, as the last speaker is sure, and if I may dare to speak for more than myself let us say that the churches in this country too, should pray that instantly we show that we mean what we say by checking expenditure for war.

The story is told two or three centuries ago of a French woman named Antoinette Bourignon, who had ambition to be a saint and she prayed one night that she might please God, and the voice came to her, "You must drop everything you have; you must have no possessions." And so at last she started

forth one night disguised as a peasant boy to go out into the desert, and she had in her pocket only a penny; and after she had started on her lonely journey, leaving home behind, the voice came to her again, "Where is your faith, is it in the penny?" And she threw the penny away and became one of the saints of the ages. It is a strange old story but it has a great parabolic meaning. If we are going to stand for peace in the world we must show that we mean business; we must show that we have faith in God; we must show that we believe God is leading us; we must show that we dare to throw aside all things that the people call practical and safe and simply go forward to that one thing which under God we know to be right. (Applause.)

THE CHAIRMAN: We shall now have the pleasure of hearing from Rev. ROBERT STUART MACARTHUR, D. D., Pastor of Calvary Baptist Church, New York.

Rev. ROBERT STUART MACARTHUR, D. D.: Mr. President, Ladies and Gentlemen: I feel that the greatest kindness I can do you at this hour—and the greatest kindness you can do me is to accede to my request—is to say a long "Amen" to all the beautiful things that have already been said. (Applause.)

THE CHAIRMAN: Our next speaker is one who for many years has been a firm and devoted friend of the arbitration and peace movement and has spared no effort to advance it—Rev. CHARLES E. JEFFERSON, D. D., Pastor of the Broadway Tabernacle, New York.

HOW THE CHURCHES SHOULD CONSIDER PEACE

REMARKS OF REV. CHARLES E. JEFFERSON, D. D.

I too was going to say "Amen!" but the President thinks I had better say a word; the word will be very short, simply this:

There are two ways in which one can come to any question—from above and below. Christianity always comes to all subjects and all problems from above; Jesus always comes down. Knowing that He came from God and that He was going back to God, He did what He did. When a boy, He said, "Don't you know I must be about my Father's business?" From the very beginning He came to His life from above. So the Christian Church must always come to all her problems and to all her tasks. Now some men always come to everything from below; they come up to every subject and to every problem. And just so it is in this problem of international peace; I was reading not very long ago about a man who came up to it from below and as soon as he got up the first thing he said was that this whole peace business was impractical. And why?

Because some nations are carnivorous and other nations are herbivorous, and it is the nature of one nation to prey on another nation. Don't you see where he came from? He has the zoölogical vocabulary; he came up out of the dust and that is why his eyes are filled with dust; he came up out of the mud, and that is why his mind is filled with mud; he tells us all he sees, but he doesn't see much; about all he sees is a lot of men far away who are getting ready to shoot us.

Now Christianity comes to the problem from above, and so does the Church, and when we come from that direction we see all men as the children of God, created in his likeness, open to His influence, and therefore all potentially brothers. That is why Christianity is the religion of faith and of hope and of love. When we see problems with the light falling on them from above, then all sorts of beautiful things become possible. (Applause.)

THE CHAIRMAN: Before leaving the subject, we are to hear briefly from Mr. FRANK F. WILLIAMS, Secretary of the Buffalo Peace and Arbitration Society, who has had some personal experience in enlisting the aid of the churches of that city.

WORK OF THE BUFFALO CHURCHES FOR PEACE

REMARKS OF MR. FRANK F. WILLIAMS

On behalf of the Buffalo Peace and Arbitration Society I feel impelled to state a portion of our experience as a working society, especially after listening to the eloquent speeches of this evening; because we, like every peace organization, have felt that the churches, which are the oldest peace societies in the world, ought to be taking a more active, more definite and more specific part in the great peace movement. And I am delighted to say that the churches of Buffalo have formulated a plan which we believe can in a measure solve this problem. Upon our Board of Vice-Presidents we have seven of the leading clergymen of the city of Buffalo. We called them into conference with our executive committee and after some weeks of deliberation, we evolved this plan: that is, that every church organization in Buffalo should be asked to become an associate member of the Buffalo Peace and Arbitration Society, by the action of its board of trustees, its vestry or other governing body; the pastor of each church to appoint a committee of three of the congregation upon whom should devolve the responsibility of seeing that the church and its membership should be interested and take its part in the peace movement; these committees, from time to time, to meet with our executive committee, receive suggestions, and confer together, and when opportunity offered, be called upon to see that the work in the church was carried

on. I am happy to say that the response on the part of the churches of Buffalo has been very encouraging, and, Mr. Chairman, I commend the suggestion as a practical method of bringing into the peace movement the greatest organizations for peace in the world—that is, the churches. (Applause.)

The Conference then adjourned until the following morning.

Fifth Session*

Friday Morning, May 26, 1911

THE CHAIRMAN: Our first topic this morning is "Business and International Arbitration." As the first speaker, I have the honor to present a distinguished public servant, a member of the Permanent Court of Arbitration at The Hague, a former member of the Cabinet, and three times the representative of this country to Turkey, the Hon. OSCAR S. STRAUS, of New York.

AMERICAN COMMERCIAL DIPLOMACY

ADDRESS OF HON. OSCAR S. STRAUS

I have selected for my short address the subject of commercial diplomacy—and I wish to make a distinction between the diplomacy of commerce and the dollar diplomacy. The dollar diplomacy is a diplomacy of exploitation; it is the subordination of human interests to strictly material advantages. But the diplomacy of commerce is based upon mutuality; it is a diplomacy essentially of peace, of equal opportunity and of the open door. I believe no more useful thought can be brought into this Conference than that of the spirit of such diplomacy as it has developed in our international relations.

Our American diplomacy, in its aim and purpose, from the beginning was commercial as distinguished from political, and this purpose, in its very nature, gave to it the character of sincerity and straightforwardness. After our independence was established and we entered upon our national life as an independent nation, our first concern was to negotiate treaties of amity and commerce. As early as 1778 the first treaty we concluded as a nation was our treaty of Amity and Commerce with France, by which France and the United States engaged mutually not to grant any favor to other nations in respect to commerce and navigation which should not immediately become common to the other party who should enjoy the same favor.

Washington in his Farewell Address, outlining with clearness and statesmanly foresight our national policy, said: "The great rule of conduct for us in regard to foreign nations, is, in extending our commercial relations, to have with them as little

*In the fifth session a number of speakers discussed topics which had been before the Conference at former sessions to the proceedings of which, for convenient reference, their speeches have been transferred.—ED.

political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop." At this time (1796) events had fully justified the wisdom of this policy, which had been adopted by Washington against the bitter opposition of Jefferson and Madison and their partisans, who, because of their sympathy with the French democracy, endeavored to identify the interest of our country with France in her wars against the allied powers and with her unbridled and infuriated democracy. Conditions rapidly developed which compelled Washington to take a decided step forward amid difficulties and perplexities, which at the present day it is perhaps not possible to adequately realize and much less measure. The young nation gave notice to the world that the United States was not to be a pawn on the chess board of European politics, but would, in accordance with its independent position in the family of nations, follow its own best interests in conformity with its principles of international equity and justice. The conditions referred to were the overthrow of the French monarchy and the excesses of the French revolution, and the coming to this country of a Minister from the French Directory, Genet, who upon his arrival at Charleston, appealed to the public opinion of the country, enlisting men, equipping vessels, commissioning privateers, as if the United States were a colony or a dependency of France. The crisis he provoked became so intense that it created a distinct division, even in Washington's Cabinet, and it was found necessary and imperative for the President to suspend the functions of Genet and demand his recall. He immediately issued a proclamation of neutrality embodying the highest ideals of international text writers, and far in advance of that doctrine of expediency which then controlled the practices of nations. Hall, one of the foremost of the recent authoritative writers on international law, says of it: "The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. * * * It represented by far the most advanced existing opinion as to what these obligations were. * * * In the main, however, it is identical with the standard of conduct which is now adopted by the community of nations."*

At the outbreak of the Revolution it was estimated that one-tenth of the wheat and flour exported from the United States, and one-fourth of dried and pickled fish, besides other products, found their best markets in the ports of the Mediterranean. This commerce had grown up under the protection of the British flag, and there were employed from 80 to 100 ships. When the war began, this commerce had to be entirely abandoned, and the commercial loss was severely felt. In the Treaty of 1778 with

*Hall's International Law, 3rd Ed., p. 594.

France it was proposed by the negotiators, in accordance with the instructions given to them by the Continental Congress, that France should take the place of Great Britain as the protector of the American vessels, but the King of France would go no further than to agree to employ his good offices.

When the new Government, under the Constitution was formed, Jefferson, as Secretary of State, declared the determination of the United States "to prefer war in all cases to tribute under any form." But a navy was wanted to make this declaration effective. By December, 1793, the number of American vessels captured by Algerian Corsairs had reached to 13, and the number of captives to 119. The United States, urged on by the cry of the captives, who it was then unable to rescue by force, accepted the conditions of the Dey, and by the expenditure of nearly \$800,000 obtained the release of its citizens and purchased a peace which was signed on September 5, 1795. A Treaty with Tripoli followed in November, 1796, and with Tunis in August, 1797. In our Treaty with Tripoli, concluded during the administration of Washington, we find a significant declaration, doubtless inserted to overcome the religious fanaticism of the Dey, and for the purpose of emphasizing that our form of Government was a civil commonwealth—as distinguished from a monarchy where its Church and State are united or where the State is under the domination of an ecclesiastical hierarchy. The declaration referred to is contained in Article IX of the Treaty and reads as follows: "As the Government of the United States of America is not in any sense founded on the Christian Religion; as it has in itself no character of enmity against the laws, religion or tranquility of Mussulmen * * * it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries." Perhaps the idea was also to emphasize the strictly and exclusively commercial purpose intended to be served by the Treaty. With the omission of the introductory phrase, a similar declaration was inserted in the Treaty with Tripoli of 1805, and in the Treaties with Algiers of 1815 and 1816.

During the seven years that followed the second peace with Tripoli, the relations of the United States were comparatively uneventful, but the feeling of hostility broke out again in 1812, when it became known that war between the United States and Great Britain had broken out. An Act was passed by Congress on the 3rd of March, 1815, "for the protection of the commerce of the United States against the Algerine cruisers." Two squadrons were ordered to the Mediterranean under Bainbridge and Decatur, and immediately upon their arrival on the scene, they forced the Dey to sign a treaty by which it was

declared that no tribute or any form or under any pretext should ever be required from the United States. Tripoli and Tunis were also admonished, and thereby through the intrepid course of our navy, the Barbary pirates were taught, after centuries of depredations on life and property, to respect human rights, and the Mediterranean was made free to the commerce of the world.

The efforts of the United States to secure for commerce the free navigation of rivers and seas began early in its history, and has been persistently and successfully pushed forward upon the broad principles of international justice and equality among nations; in other words, our policy on land and sea has consistently been that of "*The open door.*" Besides maintaining the freedom of the seas the United States from the beginning contended for the free navigation of the natural channels that lead to the seas. In the advocacy of this international principle for the freedom of commerce it was mainly instrumental in bringing about the abolition in 1857 of the dues levied by Denmark on vessels and cargoes passing from the North Sea into the Baltic. Mr. Clay, as Secretary of State, in his protest against these dues and exactions declared that "if a canal to unite the Pacific and Atlantic Oceans should ever be constructed the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls." This principle is embodied in the Hay-Pauncefote Treaty for the neutralization of the Panama Canal. The free navigation of the St. Lawrence was secured for a limited period by the reciprocity treaty of 1854 and in perpetuity by the Treaty of Washington in 1871. In accordance with the same principles the United States endeavored to secure the free navigation of the Amazon which was in 1856 voluntarily granted to all nations by the Emperor of Brazil. By a Treaty with Bolivia in 1858 the Amazon and the La Plata with their tributaries were declared to be "in accordance with fixed principles of international law * * * channels open by nature for the commerce of all nations."

In 1821 the Emperor Alexander of Russia issued a ukase prohibiting foreign vessels from approaching within one hundred Italian miles from the Northwestern coast of America beginning from Behring's Straits to the fifty-first degree of north latitude. The Russian minister in Washington in his note to our Government made the additional claim of Russia's right of sovereignty over the whole of the Northwestern continent of America, above that line. These negotiations regarding Russia's extraordinary claims aroused a great deal of bitterness and hostility throughout the country until they were finally adjusted by the convention

of 1824. Madison, in writing to President Monroe in regard to the conclusion of this treaty said: "The convention with Russia is a propitious event in substituting amicable adjustment for the risks of hostile collision. But I give the Emperor little credit for his consent to the principle of *mare liberum* in the North Pacific." These negotiations are of the highest interest to us historically from another point of view, as in them expression was given to the main principles, which soon came to be known as the Monroe Doctrine. A new Russian Minister, Baron de Tuyl, was sent over in the autumn of 1832. Mr. Adams wrote in his diary: "I find proof enough to put down the Russian government, but how shall we answer the Russian cannon?" He states a few days later the Russian Minister held a conversation with him and desired to know what instructions he had sent to Mr. Middleton, our Minister at St. Petersburg. Mr. Adams says: "I told him specially that we should contest the right of Russia to *any* territorial establishment on this continent; and that we should assume distinctly the principle that the American continents are no longer subjects for *any* new European colonial establishments."*

When commerce was identified with piracy, and subsequently with the utter disregard of neutral rights, it was continually a source of irritation, and aggravated the militant spirit between nations, but with the growth of the modern industrial development and the extension of foreign trade, nations no longer found it profitable to be hostile to one another because of their prosperity. The commercial spirit, while it is competitive, is not a militant spirit, for in its final analysis foreign commerce rests upon mutuality, and a wealthy and prosperous nation is a much better customer than a poor nation. The commercial spirit, therefore, from enlightened self-interest favors the promotion of prosperity in other nations. The only apparent exception to this modern spirit of commerce is to be found in relation to trade with Oriental nations where there is a tendency on the part of the great powers to establish spheres of influence and to force special concessions and exclusive privileges, to the detriment of competing nations. America again has come to the forefront in insisting upon the "Open Door" in China, and in other Oriental lands, and in the furtherance of which it has consistently refrained from and protested against the policy of some of the great powers who seek to advance their political influence in order to obtain exclusive rights for their commerce, or who seek to establish exclusive commercial rights to promote their political influence. The American policy which was so felicitously characterized by Secretary Hay, as that of the "Monroe Doctrine and the Golden Rule," is an international

*Memoirs of John Quincy Adams, vol. VI, pp. 159-163.

policy of the highest equity and justice, and it should ever be our vigilant care that these two parallel purposes of our national policy in foreign affairs should not be so construed as to become incompatible in guarding our continental interests and our peaceful relations with the nations of the world. This will be the responsible task of American statesmanship requiring no less the highest wisdom than the calmness of patriotic restraint to guide aright our destinies in times of stress and popular excitement.

It is largely due to the vast extension of commercial intercourse between nations in our times, which rest upon reciprocity, that the standard of public morals has been lifted from the lower sphere of international expediency to the higher sphere of morality and law. As examples of this, may be cited the abolition of the slave trade, and the more recent efforts on the part of China in concert with the leading powers to prohibit the cultivation and trade in opium except for legitimate medical use. The standard of international morality yet continues to lag far behind the standard of commercial fair dealing within nations; the evidences of this are no more glaringly exhibited than in the exceptions in the laws of neutrality, which rest not on principle but on legal casuistry. As the law now stands it is entirely lawful for the subjects of neutrals to supply belligerents with arms and ammunition, also by public subscription or otherwise to raise loans to aid belligerents when otherwise either or both belligerents would be prevented by economic necessities from either beginning, or when begun, from prolonging a war. The Russo-Japanese War would certainly have come to an earlier end if neither belligerent could have borrowed money from the subjects of neutrals.

It requires no argument to prove such acts are against the fundamental principles of real neutrality, and when the standards of international morality advance a single step farther, such contraband commerce and loans will no longer be considered lawful. No more practical work can be undertaken in the promotion of peace than to hasten the day when the laws of neutrality shall be made to square with the principles of impartiality, justice and morality. (Applause.)

I doubt the wisdom of extending neutral rights. It is of much more importance to insist upon the extension of neutral *duties*. If we make it too convenient for neutral nations in time of war between belligerents, they may not be so deeply interested in preventing war. Perhaps, too, the extension of freedom to commerce in case of war might not have the effect of lessening the causes of war. But I do feel that the extension of neutral duties will certainly increase the chances of peace among nations. (Applause.)

It is said to be a fact that this idea of commercial policy argued on the ground of economic necessity in the work of Jean de Bloch was instrumental in inducing the Czar of Russia to call the first Hague Conference. After the first Hague Conference and the establishment of the permanent Court of Arbitration, the European diplomats with whom I spoke looked upon the results attained as a kind of pious wish that would never see the light of actual and concrete working. That was the general impression among the diplomatic representatives of nations. And I am also able to say that the putting of the wheels of the Hague Tribunal in motion was the most practical service any man ever rendered the cause of international arbitration and peace. Let us not forget that when Mr. Roosevelt sent to the Hague Tribunal the first two cases which that tribunal was called upon to try, he established as a fact, as between nations, that arbitration had come to stay as part and parcel of effective international relations. (Applause.) We should not forget the advance of arbitration. It may be faulty but it is well worth our attention; and I thoroughly agree that no more important message can go out from this Conference than the one that has been so explicitly and eloquently voiced by President Butler in his statement that in the conclusion of the treaty between the United States and Great Britain, the people of this country will not be satisfied unless the treaty is made wholly inclusive, is wholly obligatory and leaves no door open for evasion of its terms and conditions. (Applause.)

THE CHAIRMAN: The report of the standing Committee of the Conference on Business Organizations will, in the absence of Mr. James Wood, chairman of the committee, be presented by one of its members whose devoted and unselfish work for the cause is highly appreciated by us all—Mr. MARCUS M. MARKS, of New York. Mr. Marks will also present the declaration which has been adopted at the special meetings held by the delegates present from business organizations.

DECLARATION OF THE DELEGATES FROM BUSINESS ORGANIZATIONS

BY MARCUS M. MARKS

The business men representing commercial organizations in every part of the United States and in Canada have come to this Conference not to speak but to listen, not to teach but to learn.

We gladly sit at the feet of the diplomats and the scholars to absorb information and inspiration which in turn we hope to reflect in our various spheres. We have determined to urge

the organizations we represent to take a more active interest in the movement for international arbitration and peace.

We will recommend addresses on this subject at annual or other meetings of commercial bodies; the appointment of special committees on international arbitration; and the offer of prizes for the best essays on this subject in the high schools in the various cities. We shall continue to aid in distributing the Business Men's Bulletins issued by this Conference. Yesterday we sent telegrams to President Taft and Senator Cullom, endorsing the treaties of unlimited arbitration now being negotiated. and on our return home we shall urge that our influential members send similar telegrams. Our telegram sent to President Taft reads: "The representatives of forty-five commercial organizations, coming from all parts of the United States and participating officially in Lake Mohonk Conference on International Arbitration, unanimously join in congratulations upon your strong advocacy of treaties of unlimited arbitration with Great Britain, France and other countries, and wish speedy success to such treaties." (Applause.) A similar telegram was sent to Senator Cullom.

Our statement is very brief; it is not in the shape of resolutions, but really a short statement of the sentiment of the business men toward the movement for arbitration and peace. It is as follows:

"The business men, by extending their enterprises to the ends of the world, have done much to prepare the way to peace between nations.

"Commerce has steadily spread the spirit of co-operation and friendship far and near; it has, through personal contact, which leads to understanding, confidence and regard, enmeshed the merchants of the earth in one great net of mutual interests. The whole world has become one tremendous commercial body, an injury to any part of which now causes an injury to the whole.

"Business men can no longer afford the risk of international war.

"The leading men of affairs, notably Mr. Carnegie and Mr. Ginn, keenly realize this and have joined actively in the movement to prevent war.

"Business men have always favored negotiation instead of quarrel among themselves; so now they advocate the same method of peaceful adjustment between nations, to preserve the undisturbed commercial relations which are vitally necessary for their welfare.

"The recent developments of the burdens of armament threaten, if continued, to bankrupt the nations. The firm establishment of the High Court of The Hague and the completion of general treaties to refer all differences to this Court will end this destructive competition.

"For, as the civilized individual man no longer carries the sword, so will the nations discard their weapons when a competent Court guarantees the triumph of justice.

"The forty-five commercial organizations represented in this Mohonk Conference see hope and encouragement in the progress of treaties now being negotiated and in the rapid strides being made toward the establishment of such an International Court. They believe that there is much need of publicity of the facts concerning the progress of the peace movement.

"They appreciate the educational advantages afforded by the splendid discussions of this Conference, made possible by the broad liberality of Mr. Smiley, and have resolved to aid in every way in giving the widest publicity to the proceedings and reflect their influence at home.

"Recognizing the criminality of any sacrifice of human life in useless battle, which in the end proves no principle but determines simply the relative strength and skill of the combatants, the business men of this Conference call upon men of affairs generally to take a more active interest in the cause of international arbitration and peace, not only for their own selfish interests, but in the broad spirit of the universal brotherhood of man."

(Applause.)

MARCUS M. MARKS,
Chairman.

REPORT OF THE COMMITTEE ON BUSINESS ORGANIZATIONS OF THE LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

The Committee on Business Organizations reports the following progress during the year 1910-1911:

Monthly Bulletins:

The principal work of the year has been to issue monthly, beginning with January, 1911, a short and carefully prepared bulletin on some phase of international affairs of special interest to business men. The bulletins have been as follows:

- No. 6—January—"Practical Arbitration in 1910," a review of the year 1910, prepared by the Chairman of this Committee.
- No. 7—February—"Obligatory Arbitration and Business," prepared by Dr. William I. Hull, of Swarthmore College.
- No. 8—March—"A Real Court that Displaces War," describing the practical operation of the Central American Court of Justice, prepared by Charles Ray Dean, Esq., of Washington.
- No. 9—April—"Business and Internationalism," prepared by Dr. Paul S. Reinsch, of the University of Wisconsin.
- No. 10—May—"The Business Man and International Law," prepared by Harry E. Hunt, Esq., of Detroit.

Copies of these bulletins will be reprinted as part of this report.

These bulletins have been distributed:

1. By co-operating business organizations. Forty organizations have agreed to receive monthly in bulk a fixed number of bulletins to distribute to their members. Copies are sent direct from their offices usually accompanying some of their official communications, thereby securing the advantage of local interest. In January about 5,000 copies were so handled by twenty bodies; in May about 13,000 copies by forty bodies. These forty bodies are indicated on the appended list of organizations.

2. By the conference office to its regular correspondents and persons on its special mailing lists, to organizations not handling a definite number of bulletins, to former delegates from business

organizations, members of Committees on International Arbitration of co-operating organizations, etc. About 3,000 copies monthly are so used. Altogether, since January 1st, about 60,000 bulletins have been sent out.

Some results of issuing regular bulletins have been:

1. Many business organizations reprint the whole or parts of some bulletins in their official publications, thereby greatly adding to their publicity.

2. The secretaries or other officials of many bodies send copies of each bulletin to their local papers with a request for publication. Some have personally taken up the matter with their local editors and arranged to have them furnished with matter from the conference office. Others have in like manner interested prominent men in their communities.

3. Many individual members of organizations who have received bulletins have written the conference office which has thus come in touch with many men it has been glad to add to some of its lists.

4. In at least one instance, an individual receiving a bulletin interested a trade paper, the organ of his particular business, and the paper applied to the conference for matter for editorial use. This seems a hopeful field.

Statistics of Co-operating Organizations:

No attempt has been made to increase the number of co-operating bodies. A few voluntary additions have been partly offset by the merging in some cities of several organizations into one. The number is now 175, including 8 of national and 8 of state scope themselves representing hundreds of constituent bodies. Practically all these bodies are among the larger organizations of the larger cities of the United States and Canada. A list of these co-operating organizations forms a part of this report.

Thirty-six organizations have standing Committees on International Arbitration. Many of these Committees, notably those of the Newark Board of Trade, the Springfield (Mass.) Board of Trade, and the New Orleans Progressive Union have been particularly active in methods of creating public interest in their respective cities.

Delegates to this meeting have been appointed by 55 organizations, and representatives of 45 are actually present. It is worthy of note that almost without exception these organizations have appointed some of their most prominent officers or members. A list of delegates is appended to this report.

Activity of Co-operating Organizations:

The action of co-operating bodies in reprinting or distributing the monthly bulletins and in interesting the press has already

been spoken of. In addition, many organizations have assumed special forms of activity. Several, including the Worcester Board of Trade and the Erie Chamber of Commerce, have planned to have distinguished men speak on arbitration at their annual meetings. Others have offered substantial prizes for essays by pupils of city schools. The Boards of Trade of Newark, Hoboken, Springfield and Jacksonville were leaders in this movement. In the Newark contest, recently closed, there were 97 contestants for \$50 in prizes.

A large number of organizations anticipating the submission to the United States Senate of the treaty of unlimited arbitration now being negotiated with Great Britain have adopted resolutions favoring its ratification by the Senate. Indeed, so much interest has been thus manifested that the Committee deemed it unnecessary to issue an appeal for such action until May 10th, when the secretary of the Conference sent to each Co-operating Organization a letter asking the secretary to watch carefully the progress of the negotiations and to secure resolutions of his organization favoring ratification of the treaty to be sent to the Senators from his State and to the Senate Committee on Foreign Relations as soon as the treaty is submitted to that body. Answers already received indicate that the great majority of the organizations may be counted on for emphatic action along this line.

Your Committee feels gratified with the results accomplished with and through business organizations throughout the country and believes that an influential body of citizens have become active promoters of a sound public opinion.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*,
 HARLOW N. HIGINBOTHAM, Chicago,
 WILLIAM MCCARROLL, New York,
 MARCUS M. MARKS, New York,
 GEORGE FOSTER PEABODY, New York,
 ELWYN G. PRESTON, Boston,
 CHARLES RICHARDSON, Philadelphia,
 CLINTON ROGERS WOODRUFF, Philadelphia,

May 26 1911.

Committee on Business Organizations.

DELEGATES OF BUSINESS ORGANIZATIONS PRESENT AT THE CONFERENCE OF 1911

NATIONAL

National Association of Clothiers..... Marcus M. Marks, New York,
 President.
 National Association of Manufacturers..... A. B. Farquhar, York, Pa.
 National League of Commission Merchants..... A. Warren Patch, Boston.

CALIFORNIA

Chamber of Commerce, Los Angeles..... Harrison Gray Otis.
 Merchants' Exchange, Oakland..... Joseph R. Knowland.

COLORADO

Chamber of Commerce, Denver..... E. A. Peters.

CONNECTICUT

Business Men's Association, New Haven..... F. J. Linsley Secretary.

HAWAII

Chamber of Commerce, Honolulu..... William G. Cooke.

KENTUCKY

Board of Trade, Louisville..... William R. Belknap.

MAINE

Maine State Board of Trade, Bangor..... D. J. Callahan, President.

Board of Trade, Portland..... George A. Crosman.

MARYLAND

Chamber of Commerce, Baltimore..... Douglas M. Wylie.

MASSACHUSETTS

Chamber of Commerce, Boston..... Edwin Farnham Greene.

Massachusetts State Board of Trade, Boston..... John H. Corcoran, Vice-President.

Board of Trade, Lynn..... Henry A. Sawyer, Secretary.

Board of Trade, Springfield..... E. O. Sutton.

Board of Trade, Worcester..... Charles T. Tatman, President.

MICHIGAN

Board of Commerce, Detroit..... Joseph L. Hudson, Ex-President.

MISSOURI

Commercial Club, St. Joseph..... W. K. James.

NEW JERSEY

Board of Trade, Camden..... Alexander C. Wood.

Board of Trade, Elizabeth..... Elias D. Smith.

Board of Trade, Hoboken..... Edward H. Horwood, Ex-President.

Board of Trade, Newark..... George F. Reeve, Ex-President.

NEW YORK

Chamber of Commerce, Albany..... William B. Jones, Secretary.

Board of Trade, Amsterdam..... Charles E. French, Secretary.

Business Men's Association, Auburn..... E. Clarence Aiken, President.

Chamber of Commerce, Binghamton..... L. M. Wilson, Ex-President.

Manufacturers' Association of New York, Brooklyn.. Andrew F. Wilson, Ex-President.

Chamber of Commerce, Buffalo..... R. R. Hefford.

Chamber of Commerce, Kingston..... A. T. Clearwater.

Board of Trade and Transportation, New York..... James Talcott.

Merchants' Association, New York..... J. Crawford McCreery.

North Side Board of Trade, New York..... Albert E. Davis, Ex-President.

Chamber of Commerce, Rochester..... Daniel B. Murphy.

Chamber of Commerce, Watertown..... Charles W. Valentine.

OHIO

Chamber of Commerce, Cincinnati..... E. P. Marshall.

PENNSYLVANIA

Chamber of Commerce, Erie..... Clark Olds.

Board of Trade, Harrisburg..... J. Horace McFarland.

Board of Trade, Philadelphia..... William R. Tucker, Secretary.

Chamber of Commerce, Philadelphia..... Coleman Sellers, Jr., President.

Chamber of Commerce, Pittsburgh..... S. B. McCormick.

RHODE ISLAND

Board of Trade, Providence..... Frederick H. Jackson.

TEXAS

Business Men's Club, Waco..... S. P. Brooks.

WISCONSIN

Chamber of Commerce, Oshkosh..... John Hicks.

CANADA

Board of Trade, Toronto..... Robert S. Gourlay, President.

CO-OPERATING AND CORRESPONDING BUSINESS ORGANIZATIONS

(List corrected to June 20, 1911)

The following bodies have enrolled as Co-operating and Corresponding Business Organizations to assist in furthering the work of the Mohonk Conference. Organizations marked with a \$ regularly distribute stated

numbers of the Business Men's Bulletins issued by the Conference; those marked with a * have adopted resolutions favoring international arbitration, or assumed other active co-operation; those marked with a † have standing committees on international arbitration; and those marked with a ° have appointed delegates to one or more meetings of the Mohonk Conference.

NATIONAL

National Association of Clothiers.°
 National Association of Manufacturers.°*
 National Board of Trade.*°†
 National Business League of America.*°
 National Hardware Association.*§
 Nat'l League of Commission Merchants.*°§

ALABAMA

Chamber of Commerce°.....Birmingham.
 Chamber of Commerce.....Mobile.
 Business Men's League.....Montgomery.

ARKANSAS

Arkansas State Board of Trade†°
 Little Rock Board of Trade*†°§Little Rock.

CALIFORNIA

Fresno County Chamber of Commerce*
 Fresno.
 Chamber of Commerce*°.....Los Angeles
 Chamber of Commerce.....Oakland.
 Merchants Exchange*°.....Oakland.
 Chamber of Commerce*°§.....Sacramento.
 California Development Board°
 San Francisco.
 Chamber of Commerce*.....San Francisco.
 Merchants Exchange*.....San Francisco.

COLORADO

Chamber of Commerce*°.....Colorado Springs.
 Chamber of Commerce*°†§.....Denver.
 Colorado State Commercial Association*°
 Denver.
 Real Estate Exchange*°.....Denver.
 Citizens Mining and Improvement Association
Leadville.
 Business Men's Association°.....Pueblo.

CONNECTICUT

Board of Trade.....Bridgeport.
 Board of Trade.....Meriden.
 Business Men's Association*°†§
 New Haven.
 Chamber of Commerce*†°§....New Haven.
 Business Men's Association*..New London.

DELAWARE

Board of Trade*°.....Wilmington.

DISTRICT OF COLUMBIA

Board of Trade.....Washington.
 Chamber of Commerce.....Washington.

FLORIDA

Board of Trade*†°.....Jacksonville.
 Board of Trade*§.....Tampa.

GEORGIA

Chamber of Commerce*§.....Augusta.
 Cotton Exchange*.....Savannah.

HAWAII

Chamber of Commerce*°§.....Honolulu.

ILLINOIS

Board of Trade*.....Chicago.
 Illinois Manufacturers Association°
 Chicago.
 Citizens' Commercial Association*§
 Freeport.
 Business Men's Association.....Moline.
 Chamber of Commerce*°§.....Quincy.
 Business Men's Association*†..Springfield.

INDIANA

Business Association.....Evansville.
 Manufacturers' Association.....Evansville.
 Commercial Club.....Fort Wayne.
 Board of Trade.....Indianapolis.
 Commercial Club°*.....Indianapolis.

IOWA

Commercial Club.....Cedar Rapids.
 Commercial Club.....Council Bluffs.
 Commercial Club*†.....Des Moines.

KANSAS

Commercial Club.....Leavenworth.
 Commercial Club*.....Topeka.
 Chamber of Commerce.....Wichita.

KENTUCKY

Board of Trade*°.....Louisville.
 Merchants and Manufacturers Association
 Louisville.
 Business Men's Club.....Newport.

LOUISIANA

Board of Trade, Ltd.*.....New Orleans.
 Progressive Union*†§.....New Orleans.
 Progressive League.....Shreveport.

MAINE

Maine State Board of Trade°.....Bangor.
 Board of Trade*°§.....Portland.

MARYLAND

Board of Trade*°.....Baltimore.
 Chamber of Commerce*°§.....Baltimore.

MASSACHUSETTS

Chamber of Commerce*†°.....Boston.
 Massachusetts State Board of Trade*†°§
 Boston.
 Board of Trade.....Brockton.
 Board of Trade.....Lawrence.
 Board of Trade*°.....Lynn.
 Board of Trade*†°§.....Springfield.
 Board of Trade*†°.....Waltham.
 Board of Trade*°.....Worcester.

MICHIGAN

Industrial Association*†°.....Battle Creek.
 Board of Commerce*°§.....Detroit.

MINNESOTA

Commercial Club.....Minneapolis.
 Northwestern Manufacturers Association*
 St. Paul.

MISSOURI

Board of Trade*^o.....Kansas City.
 Commercial Club*.....Kansas City.
 Commercial Club*^o.....St. Joseph.
 Business Men's League*^o.....St. Louis.
 Latin-American and Foreign Trade Association*^o.....St. Louis.
 Merchants Exchange*^o.....St. Louis.

NEBRASKA

Commercial Club*.....Lincoln.
 Commercial Club*^{†o}.....Omaha.
 Real Estate Exchange*.....Omaha.

NEVADA

Nevada Commercial League.....Reno.

NEW JERSEY

Board of Trade*^{†o}.....Camden.
 Board of Trade*^{†o}§.....Elizabeth.
 Board of Trade*^o§.....Hoboken.
 Board of Trade*^{†o}.....Newark.
 Board of Trade*§.....New Brunswick.
 Taxpayers Association.....Paterson.

NEW MEXICO

Commercial Club^o.....Albuquerque.

NEW YORK

Chamber of Commerce*^{†o}§.....Albany.
 Board of Trade*^o§.....Amsterdam.
 Business Men's Association*^{†o}§.....Auburn.
 Chamber of Commerce*^{†o}§.....Binghamton.
 Manufacturers Association of New York*^{†o}
 Brooklyn.
 Chamber of Commerce*^o§.....Buffalo.
 Chamber of Commerce*^{†o}.....Elmira.
 Chamber of Commerce^o.....Geneva.
 Manufacturers Association.....Jamestown.
 Chamber of Commerce^o.....Kingston.
 Board of Trade^o.....Lockport.
 Board of Trade and Transportation*^{†o}
 New York.
 Merchants Association*^{†o}.....New York.
 North Side Board of Trade*^o.....New York.
 Produce Exchange*.....New York.
 Chamber of Commerce^o.....Poughkeepsie.
 Chamber of Commerce*^o§.....Rochester.
 Chamber of Commerce*^o§.....Syracuse.
 Chamber of Commerce.....Troy.
 Chamber of Commerce*.....Utica.
 Chamber of Commerce^{†o}*.....Watertown.

NORTH CAROLINA

Board of Trade.....Ashville.
 Commercial Club.....Charlotte.
 Chamber of Commerce.....Greensboro.
 Chamber of Commerce and Industry
 Raleigh.
 Retail Grocers Association.....Raleigh.
 Board of Trade.....Winston-Salem.

OHIO

Business Men's Club*^{†o}.....Cincinnati.
 Chamber of Commerce*^{†o}.....Cincinnati.
 Chamber of Commerce*^{†o}.....Cleveland.
 Chamber of Commerce*^{†o}.....Columbus.
 Chamber of Commerce.....Dayton.
 Chamber of Commerce*§.....Elyria.

OKLAHOMA

Chamber of Commerce^o*...Oklahoma City.

OREGON

Board of Trade^o.....Portland.
 Chamber of Commerce*^o.....Portland.

PENNSYLVANIA

Board of Trade.....Chester.
 Board of Trade*.....Erie.
 Business Men's Exchange*^o.....Erie.
 Chamber of Commerce*^{†o}.....Erie.
 Board of Trade*^o.....Harrisburg.
 Board of Trade*§.....Lancaster.
 Chamber of Commerce.....McKeesport.
 Board of Trade*^{†o}§.....Philadelphia.
 Chamber of Commerce*^{†o}§.....Philadelphia.
 Commercial Museum*^o§.....Philadelphia.
 Chamber of Commerce*^o.....Pittsburgh.
 Board of Trade.....Reading.
 Board of Trade*^{†o}.....Scranton.
 Board of Trade*§.....Wilkesbarre.
 Board of Trade^o.....Williamsport.

RHODE ISLAND

Merchants Association.....Pawtucket.
 Board of Trade*^o.....Providence.

SOUTH CAROLINA

Chamber of Commerce^o*§.....Charleston.

TENNESSEE

Cotton Exchange*.....Memphis.
 Merchants Exchange*.....Memphis.
 Board of Trade*^o.....Nashville.

TEXAS

Chamber of Commerce^o.....Beaumont.
 Commercial Club.....Dallas.
 Chamber of Commerce.....Galveston.
 Business Men's Club^o.....Waco.

UTAH

Commercial Club^o.....Salt Lake City.

VERMONT

Commercial Club.....Burlington.

VIRGINIA

Board of Trade and Business Men's Association*§.....Norfolk.
 Stock Exchange.....Richmond.

WASHINGTON

Chamber of Commerce*^o†.....Seattle.
 Commercial Club*^o.....Seattle.
 Chamber of Commerce*^o.....Spokane.
 Chamber of Commerce*.....Tacoma.

WEST VIRGINIA

Board of Trade^o.....Wheeling.
 West Virginia Board of Trade^o..Wheeling.

WISCONSIN

Commercial Club.....Menomonie.
 Chamber of Commerce*^o.....Milwaukee.
 Chamber of Commerce^o.....Oshkosh.

WYOMING

Industrial Club of Cheyenne*^o..Cheyenne.

CANADA

Board of Trade*§.....Hamilton.
 Board of Trade*^o.....Montreal.
 Board of Trade*.....Regina.
 Board of Trade*^o§.....Toronto.
 Canadian Manufacturers Association*
 Toronto.
 Retail Merchants Association of Canada*§
 Toronto.
 Board of Trade*^o§.....Winnipeg.

BULLETINS TO BUSINESS ORGANIZATIONS ISSUED 1910-1911

BUSINESS MEN'S BULLETIN No. 6
PRACTICAL ARBITRATION IN 1910

AT THE HAGUE

Important events connected with international arbitration and world peace are following one another in such rapid succession that even the close observer finds it difficult to keep abreast of them. In September the award in the North Atlantic Fisheries Arbitration was made at The Hague, and this complicated and difficult cause of dispute between the United States and Great Britain, which for nearly a century has been very irritating and has many times caused such ill feeling that war might have resulted, has been forever settled. The settlement is made unique by the fact that both parties to the dispute are pleased with the award. It would be impossible to find a stronger indorsement of international arbitration. President Taft, in his recent annual message to Congress, has commented so fully upon this award that it is quite unnecessary to add anything except that the negotiations between Newfoundland, Canada and the United States for an amicable modification of the fisheries regulations, as provided for by the award, are progressing most satisfactorily.

The Fisheries award was closely followed by that of the Orinoco Steamship case between the United States and Venezuela. Besides clearing up the last of our difficulties with the late Castro government, the award established the principle that an appeal can be had to the Hague Court from an imperfect previous award by an individual arbitrator or board of arbitrators.

International arbitration has scored another great triumph in the recent agreement of Russia and Turkey to submit to The Hague the issues between them growing out of the indemnities Turkey agreed to pay Russia at the close of their last war thirty-three years ago. From every point of view this agreement is of very great interest and importance. This case and the "Savarkar" question between Great Britain and France, soon to be tried, are the ninth and tenth cases submitted to the Hague Court.

SOUTH AMERICAN BOUNDARIES

The important boundary dispute between Bolivia and Peru which was arbitrated in 1909 by the President of Argentina resulted in bitter feeling between Bolivia and Argentina because of the former's dissatisfaction with the award. The matter has now been happily adjusted and diplomatic relations between these countries have very recently been resumed. The South American field has this summer been the scene of a great achievement of mediation—the averting of the outbreak of war over the acute boundary dispute between Ecuador and Peru through the mediation of the Argentine Republic, Brazil and the United States. Both Ecuador and Peru have withdrawn their armies and it is just reported that the mediators have advised them to refer their difference to the Hague Court.

INTERNATIONAL COURT

The proposal for a permanent international court submitted to the nations by Secretary of State Knox is making steady progress toward general acceptance. The latest acceptance is that of Italy, whose government is reported to have taken this action on December 16th.

CARNEGIE FOUNDATION

The most striking event in the interest of international arbitration and peace is that which almost startled the world on December 14th when Andrew Carnegie announced a gift of \$10,000,000 to a board of trustees, the income to be used in promoting these ends according to the best judgment of the trustees. Elihu Root is made the President of the Trustees. His great experience as Secretary of State and as a leading counsel for the United States before the Hague Court guarantees intelligent and efficient administration of this great trust. It is a peculiar satisfaction to all friends of the Lake Mohonk Conference that both Albert K. Smiley, its founder, and Nicholas Murray Butler, the President of three of its meetings, are named among Mr. Carnegie's trustees.

PRACTICAL WORK

Until within twenty years, agitation for the promotion of international peace has been largely vague and without definite objective. It is not so now. It has passed into the hands of practical men with well-considered aims and definite plans, and the entire prospect is thereby greatly changed. Congress, last June, recognized this by a joint resolution providing for an eminent commission, to be appointed by the President, for the investigation of the general subject.

The business men's organizations co-operating with the Lake Mohonk Conference may well redouble their efforts to promote in every practical way the cause which is advancing so rapidly toward final triumph.

| | |
|---|---------------------------------------|
| JAMES WOOD, Mt. Kisco, N. Y., <i>Chairman</i> | GEORGE FOSTER PEABODY, New York |
| HARLOW N. HIGINBOTHAM, Chicago | ELWYN G. PRESTON, Boston |
| WILLIAM MCCARROLL, New York | CHARLES RICHARDSON, Philadelphia |
| MARCUS M. MARKS, New York | CLINTON ROGERS WOODRUFF, Philadelphia |

Committee on Business Organizations

MOHONK LAKE, N. Y., Dec. 31st, 1910

NOTE—Following this document, it is proposed to issue at frequent intervals short, concise bulletins, each covering an up-to-date phase of international arbitration. Business men and business organizations are earnestly invited to co-operate in the distribution of these bulletins. Requests for copies or for further information may be addressed to the Secretary of the Conference who will welcome inquiries and suggestions.

BUSINESS MEN'S BULLETIN No. 7

OBLIGATORY ARBITRATION AND BUSINESS

Many of the mediaeval obstacles to the world's business are yielding to the twentieth century's enlightened understanding. There is an ever-growing demand that wars and danger of wars—the greatest obstacle of them all—shall be abolished. The indirect loss to business due to the possibility of war is greater than the direct loss caused to the merchants of both belligerent and neutral nations by actual warfare.

Hence the pressing business need of removing this obstacle; hence the growing determination of the world's workers to secure international courts of justice and obligatory arbitration.

Since the first Hague Conference in 1899, there have been negotiated between nations in pairs 133 treaties of obligatory arbitration. These have varied in scope, from the inclusion of *all* disputes—as in the Danish treaties with Italy, Holland and Portugal—to the inclusion of only a few specified classes of disputes*—which is the scope of most of them. To make the circuit complete—to connect each of the forty-six nations with each of the others—would require 1937 more such treaties.

The American delegation at the Second Hague Conference made a gallant struggle to secure one general, world treaty of obligatory arbitration which would obviate the necessity of negotiating 2070 treaties between pairs of nations. The result was an affirmative vote† of more than three-fourths of the Conference for the world treaty, and a unanimous vote for "obligatory arbitration in principle."

The American, British and Portuguese delegations at the Second Conference endeavored to secure a general treaty including 24 specified classes of disputes, most of them relating to industrial and commercial questions. The result was an affirmative vote of nearly three-fourths of the Conference in favor of 8 of the proposed classes. The Conference adopted the American proposition practically establishing obligatory arbitration of disputes concerning contractual debts.

In the light of these facts, the next steps are seen to be: First, a *world treaty*, which will secure uniformity and certainty in international relations, and the sanction of a universal public opinion for arbitral awards or judicial decisions; and second, an approximately unrestricted scope of obligatory arbitration or legal procedure which will confine the danger of war to as few cases as possible and which will especially bring to court international questions relating to the world of peaceful industry.

With the expansion of commerce and finance to every nook and corner of the world, such a treaty as above described has become a necessary adjunct to the twentieth century's industrial machinery and methods. President Taft has recently expressed his belief that even questions of "national honor" could and should be arbitrated. Let the world's generals, captains and privates of industry demand, then, that by or before the Third Hague Conference, there shall be adopted a world treaty all-inclusive if possible in its scope, which shall make rare or prevent forever the stoppage of the wheels of industry by the generals, captains and privates of warfare.

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|---|---------------------------------------|
| JAMES WOOD, Mt. Kisco, N. Y., <i>Chairman</i> | GEORGE FOSTER PEABODY, New York |
| HARLOW N. HIGINBOTHAM, Chicago | ELWYN G. PRESTON, Boston |
| WILLIAM MCCARROLL, New York | CHARLES RICHARDSON, Philadelphia |
| MARCUS M. MARKS, New York | CLINTON ROGERS WOODRUFF, Philadelphia |

Committee on Business Organizations

MOHONK LAKE, N. Y., Feb. 1, 1911.

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* And the exclusion of questions affecting national honor or vital interests.

† But not action, as unanimity was required.

BUSINESS MEN'S BULLETIN No. 8

A REAL COURT THAT DISPLACES WAR

CENTRAL AMERICAN COURT OF JUSTICE A PRACTICAL OBJECT LESSON

The world has long pondered the idea of an efficient means of determining international differences. Arbitration has been the most generally accepted method, not because it was the *best* but because it was considered the most practicable and because its advocates look upon its successes as stepping stones to a world court of justice which is now recognized as the ideal and ultimate method. The Second Hague Conference, in 1907, labored diligently to establish such an international court. Differences of opinion as to the method of selecting judges prevented the realization of the plan at the time, and the nations are still considering it.

Meanwhile, the first Central American Peace Conference, held at Washington, D. C., in 1907, in a sincere effort on the part of five contiguous States—Guatemala, Honduras, Salvador, Nicaragua and Costa Rica—to devise a workable method of avoiding international strife, actually created such a court for those nations and agreed to submit to it *all* controversies, of whatever origin or nature, which may arise among them, that are not capable of diplomatic settlement. Mr. Carnegie provided funds for a court house at Cartago, Costa Rica.

Organized in 1908, this Central American Court of Justice has had two cases submitted to it. In the first case, it sat in *judgment* upon *nations*—the first event of the kind *in the history of the world*. Honduras was plaintiff, accusing Salvador and Guatemala of protecting and fomenting a revolution against its government. According to the provisions of the convention establishing the Court, it was able, three days after the complaint was filed, to issue an interlocutory decree fixing the *status quo* and restraining the revolutionary movement pending decision of the case. Five months after the case was begun, judgment was rendered, the complaint being dismissed for want of sufficient evidence to support the allegations of Honduras.

The second case was instituted in 1909 by an individual, Dr. Pedro A. F. Diaz, a citizen of Nicaragua, against the Government of Guatemala, claiming damages for alleged arbitrary imprisonment by the Guatemalan authorities, business losses and permanent injuries to health. The Court dismissed the case on the ground chiefly that Diaz should first have resorted to the local courts of Guatemala, and failing to obtain justice there, should have called upon his own Government to support his claim.

These cases have demonstrated: first, the practicability of this calm, deliberate and orderly method of settling international difficulties, for the revolutionary movement quickly subsided, being held in check by the interlocutory decree until the Court rendered its final decision which was acquiesced in and obeyed by all parties concerned; and, second, that an international court can be so constituted that individuals as well as nations may resort to it.

The results seem to justify further tests of this method of adjusting international differences, and the prediction that, if backed by a strong public sentiment, all nations will come to recognize courts of justice as the best agencies for the settlement of disputes.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*
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 CLINTON ROGERS WOODRUFF, Philadelphia
Committee on Business Organizations

MOHONK LAKE, N. Y., March 1, 1911.

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For the preparation of this bulletin, the Committee is indebted to Charles Ray Dean, Esq., of Washington, D. C., with the approval of Hon. John Barrett, Director of the Pan-American Union.

BUSINESS MEN'S BULLETIN No. 9

BUSINESS AND INTERNATIONALISM

How many business men who look upon international arbitration and international courts as more or less an ideal, if not a Utopia, recognize their own part in creating a demand for those agencies? A glance at our business life shows that we live in an era of enormous advances in industrial organization. This shows itself most strikingly in communication. Not only are passengers and goods transported rapidly from one end of the world to the other, but our morning paper brings the latest news and thought from all the ends of the earth. Evidently these services could not exist if organized narrowly on a national basis. In them, international organization is an established fact.

But when we go beyond these interests, we find the same situation. The man working in his chemical or electrical laboratory in New Jersey finds that whatever he does is conditioned by what other investigators are doing in Berlin or Paris. He, therefore, feels a natural impulse to meet these men, and before long an international association for chemistry or electro-magnetism is established. Economic enterprises, at first confined to a national area, have also found it to their advantage to organize upon an international basis. The railway and telegraph service of Continental Europe is carried on under a system of international agreements and regulations. Throughout the world, men active in insurance, in railway administration, in cotton manufacture, in publishing, in mining, and even in agriculture, have found that they need mutual interchange of experience and direct co-operation with men similarly engaged in other countries.

The most striking insight into this movement is afforded when we consider that under modern conditions it is impossible for a state to protect the life and property of its citizens without the co-operation of other governments. The international sanitary service; the protection of copyrights, patents and trademarks; the police agreements; the protection against cattle and plant diseases, are all illustrations of this. Indeed, it is not too much to say that the industrial life of the world has become international. This fact has been recognized through the formation of over 150 international associations and of over 35 public international unions, of which states are members. The conventions and congresses of these organizations are not platforms for the unpractical enthusiast, but the ordinary means by which men of affairs are enabled to manage their interests in the most effective manner.

The demand for political recognition of this union of interests through the establishment of international courts of arbitration is, therefore, not premature, but is based on a development that has already taken place. At the last Hague Conference, the delegates were practically agreed that the relations which had thus organized themselves on a world-wide basis were practically ripe for international arbitration. The arbitration movement is not building in the air; the constructive elements are being supplied by all the economic, technical and scientific interests of the world, seeking for the most effective manner of organizing their services and activities.

Wars would paralyze these world-wide developments of co-operation and mutual helpfulness, and every business man should feel that for the protection of his own interests as well as those of the public, he should use every practicable means to promote measures tending to prevent such a calamity.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*
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Committee on Business Organizations

MOHONK LAKE, N. Y., April 1, 1911

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For the preparation of this bulletin, the Committee is indebted to Professor Paul S. Reinsch, Ph.D., of the University of Wisconsin.

BUSINESS MEN'S BULLETIN No. 10

THE BUSINESS MAN AND INTERNATIONAL LAW

There is at least one thing upon which business men agree. *Commercial endeavor is best served when law is certain.* This principle is universally recognized and of easy and usual application in domestic trade law. Its force is many times overlooked, however, in the broader fields of business activity even though there is infinitely greater reason for its recognition.

Whether or not one's business is large or small, domestic or foreign, it is affected by the uncertainty of international law. It works out this way. We manufacture and raise more goods and produce in eight months than we consume at home in twelve. The four months' surplus must be either exported or the home capacity for consumption greatly increased. Merchants who have secured foreign markets not only open the avenues to their own output, but by lessening the competition at home, materially assist the man whose business is local. Merchants who supply the home market are interested in an uninterrupted continuance of foreign exports, because any disturbance of foreign trade throws back upon this country goods which must be sold in direct competition with theirs. Therefore, whatever disturbs or embarrasses free commerce, such as war, internal revolution, fear of war or an uncertain international law is a detriment to all commercial activity. The wise business man has taken the cue; he is considering the to-morrows of trade as well as the to-days.

This tendency is best illustrated by comparing the texts of the two Hague Conferences. Read them, The First (1899) was dominated by the monarch and the moralist. Humane conventions predominated. But throughout the Second (1907) may be traced the influence of the business man. In defining and enlarging the rights of neutral nations and nationals, their commerce and shipping, it achieved a work second to none in the field of national endeavor. There is not a business man on the corners who does not profit by some one of its provisions.

No matter how steady the hand, how cool the nerve, how well known the flag, commercial predominance that depends upon battleships, coaling stations and state secrets is at best a thing temporary, containing within itself the germs of its own possible destruction. Gunboat government tends to lawless law. Is it any wonder that our private international law which feebly attempts to harmonize the rules of nations upon such topics as contracts and their interpretation, agency, judgments, bankruptcy, patents, etc., is languishing?

Now that business men realize that the people of other lands are prospective if not actual customers, now that they are thinking in terms of hemispheres, now that they see that successful domestic business leans upon a constant export trade, it is for them to place international relations upon a safe foundation—one that will make possible a certain, universal law. This means that they must discredit the war game no matter who stands ready and willing to play it. War and commercial certainty, like disgruntled litigants, are not on speaking terms.

There are plenty of existing agencies about which to rally in support of international arbitration, treaties of arbitration, international courts, conferences and other forces making for a better and more certain law of nations. The main thing is active co-operation for the desired end.

The foregoing bulletin is taken, by permission, from an article by Harry E. Hunt, Esq., of Detroit, to whom acknowledgment is made.

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Committee on Business Organizations

MOHONK LAKE, N. Y., May 1, 1911.

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THE CHAIRMAN: Passing now to our second topic, we shall hear the report of the Committee appointed at the Conference in 1910 on the subject of the Execution by the United States of its Treaty Obligations and Protection of the Rights of Aliens. Professor GEORGE W. KIRCHWEY will make the report.

REPORT OF COMMITTEE ON THE PROTECTION BY THE UNITED STATES OF THE RIGHTS OF ALIENS

PRESENTED BY GEORGE W. KIRCHWEY, LL. D.

It is owing to the unfortunate absence of my seniors on this important committee, Senator Root, the Chairman, and Governor Baldwin, of Connecticut, that the duty devolves upon me of submitting briefly the report of that Committee on the important question submitted to it by the last Lake Mohonk Conference.

I am a little afraid that to many of you the topic to which I must address myself will seem somewhat out of date. We grow hot very rapidly in this country (perhaps people in other

countries do also) and we lose the fine glow of fervor and enthusiasm with equal rapidity. Many of you will perhaps wonder what in the world the Lake Mohonk Conference of a year ago should have had to do with a question of enforcement by the federal government of its treaty obligations. It seems a bit remote yet it was comparatively fresh last year and the year before, in view of the pending embarrassment, not to say difficulty, that threatened with respect to the relations of the United States with Japan, following the attempted exclusion of Japanese residents from the public schools in the city of San Francisco through the action of the local authorities. There have been times when public opinion was heated to a white heat by episodes of that kind and when our inability to perform our treaty obligations to other states produced upon the American people the curious result of irritating them against civilized and friendly nations, who respectfully, but firmly, insisted that we did not by the ordinary rules of international law meet our treaty obligations like other nations. It is no part of my duty as representative of the Committee—and indeed that is the only capacity in which I am authorized to speak here—now to enter into the series of historical incidents, which have from time to time made this question a burning one; nor to cast a prophetic eye into the future and point out how it may from time to time in the future become a question of danger which it behooves us to settle. Certainly it must, it seems to me, present itself to every reasonable mind as an indisputable conclusion that, if the United States government is to enter into treaty obligations with other nations, it shall in some way or other find a way of performing those obligations. You are aware of the fact, are you not, that we are to-day helpless in the face of a variety of contingencies that may present themselves. Take, for example, that shocking incident of the massacre of Italians in New Orleans by an infuriated mob, something like twenty years ago; the United States held up its hands helplessly, when reparation was demanded by the government of Italy, and we made what seemed to so many of us, I am afraid the perfectly satisfactory reply that a federal government is a government of limited powers and that it rested with the state of Louisiana to do justice; and when the Italian government asked how it was to look to the sovereign state of Louisiana to secure justice for its outraged citizens, the answer was nothing more than a governmental shrug of the shoulders. The state of Louisiana is sovereign indeed, but with respect to Italy wholly unknown—a county, a province, a subdivision of the United States,—incapable of entering into treaty obligations with foreign powers, and there was no means by which Italy could enforce the obligations of the United States with respect to Louisiana otherwise than

to make war, not on Louisiana, but on the United States. That is, of course, I will not only say a ridiculous situation of affairs; it is an impossible situation of affairs. It is one that cannot continue indefinitely. We cannot forever be in the position of holding up our hands helplessly and confessing our impotence, and at the same time stand forth in the councils of the nations and demand the protection of our citizens without respect to the internal organization and constitution of foreign powers. (Applause.) Why do we lack power? Well, there are grave differences of opinion as to why the federal government fails to find itself in a position to enforce the treaty obligations which it has the power to incur. It is believed by some eminent members of the American bar that under the constitution Congress does not possess the authority to confer upon the federal courts the power to protect aliens within the limits of a given state; that that is a function of the state and that it requires an amendment to the constitution to vest that power in the national government.

There are others who believe that the power is constitutionally vested in Congress, in the federal government, and that all that is needed is an act of the federal legislature conferring the requisite jurisdiction upon the courts of the United States to intervene for the protection of aliens everywhere within the boundaries of the United States and thus secure the enforcement of our national treaty obligations.

I may say that your committee has given a good deal of consideration to the various problems involved. We have not spent very much time over the preliminary question, as to whether the United States ought to be in a position to enforce its treaty obligations or not; whether that was or was not a tenable position to occupy, the position which the government now occupies. We have devoted ourselves to the practical question presented to us by the resolution under which we were appointed. Let me read that resolution:

“RESOLVED, That a committee of three lawyers, with power to add to their number, be appointed by the chair, to report to this Conference in 1911, as to the best method of carrying into effect the recommendation of successive Presidents of the United States that the United States Government be vested with the power to execute through appropriate action in the Federal Courts its treaty obligations, and, generally, to furnish adequate protection to alien residents in the United States.”

In other words, it was assumed by the Conference that it was desirable to accomplish that end; the only question left to the Committee was to suggest means by which that end should be accomplished or could be best accomplished. It is to that question that the Committee directed its attention.

Perhaps I ought to confess in advance that the Committee, having pretty well made up its mind in advance of its appoint-

ment, did not deem it necessary to act on the authority to enlarge its numbers and thus possibly confuse its views. Judge Baldwin had already expressed himself forcibly in writing, and Senator Root both in writing and in an address delivered before the American Society of International Law; and the third member of the Committee only too easily fell a victim to the intellectual prowess of his colleagues; it was at any rate the path of least resistance.

Let me say, then, that, after careful deliberation we have come unanimously to the conclusion that the power to make good its treaty obligations is now vested in the government under the constitution; that what is requisite and all that is requisite is adequate legislation by Congress, vesting specific or general authority in the federal tribunals to enable them to apply penal and other provisions of the law to the end of protecting the aliens within our borders. Legislation of this sort has frequently been proposed and submitted to Congress. It has failed sometimes through inertia, sometimes through active opposition on the part of those who felt that such congressional action would be unconstitutional, or on the part of others who felt that such congressional action, though constitutionally permissible, was inexpedient as involving an infringement of the sovereignty of individual states. Senator Turner, of the State of Washington, has repeatedly introduced and has submitted for consideration to the bar of the United States a bill providing for vesting in the federal tribunals the requisite authority. Perhaps the simplest and most obvious solution of the problem which has been proposed is one which has been most frequently brought to the attention of the Congress of the United States in recent years, and which has been most frequently endorsed by the presidents of the United States who, because of the embarrassing position in which they had been or were likely to be placed under existing conditions, have felt themselves under the necessity of recommending such legislation. The federal courts to-day exercise a criminal jurisdiction under Section 5508 of the Revised Statutes of the United States. This section denounces certain specific acts as crimes—among others the crime of conspiracy to injure, oppress, threaten or intimidate any citizen in the exercise or enjoyment of any right or privilege secured to him by the constitutions or laws of the United States. It will be remembered that a treaty is made by the constitution part of the supreme law of the land. It is proposed to amend this clause, by substituting for the word "citizen" the word "person," so that the section shall denounce the crime of conspiracy to injure, oppress, threaten or intimidate any *person* in the exercise or enjoyment of any right or privilege secured to him by the constitution or laws (which would include treaties) of the United

States. There may be some doubt as to whether that provision would be found as effective as one more specifically reciting the offence with respect to which jurisdiction shall be conferred upon the federal courts. That, I take it, is a lawyer's question, with which this Conference is not called upon to deal.

Your Committee, then, would respectfully submit and move the adoption of the following resolution:

(For a copy of the resolution, see page 13.)

THE CHAIRMAN: The Conference has heard the report of the Committee on this important subject, and the resolutions the adoption of which is moved on behalf of the Committee. Before submitting the resolution to the judgment of the Conference, the Chair desires to ask for a contribution to this subject, by a jurist and citizen of whom we New Yorkers are justly proud,—the Hon. ALTON B. PARKER.

ENFORCEMENT OF OUR TREATY OBLIGATIONS

REMARKS OF HON. ALTON B. PARKER

I rise to second the resolutions which have been moved and I don't mind taking you into my confidence to the extent of saying that I had no intention of doing so until about ten minutes ago when your President sent word to me by the gentleman who was to move the resolutions that I was expected to do so. I very much appreciate the fact that this invitation is extended to me, as well as the cordial welcome you have accorded to one who has not contributed very much toward the work in which you have been so long engaged. Nor is it the fault of your host that I have not done so—for Mrs. Parker and I have been in receipt of invitations to attend these conferences every season from the beginning down to now, and yet this is our first appearance.

Mr. SMILEY: It won't be your last, I hope.

Mr. PARKER (continuing): I hope it won't be the last, thank you. It seems evident to me at least that one of the reasons why you have been able to accomplish so much in the course of a very few years is that you treat with such generosity the new recruit and welcome him so cordially to your ranks. And you have accomplished much! In the beginning your work was almost laughed at by those who thought they had not the time to give attention to these really great questions towards which the idealists are always pointing the people; but conditions and the mental attitude of the general public are very much changed of late. Now, nearly all the people are interested. The thought is now generally prevalent that there is to result from the movement which this Conference more than any other began, a lasting peace which shall ultimately embrace all the

world. And we should not forget on an occasion when you, who have done the work, with good reason congratulate yourselves upon the result of your efforts and of those actuated by the like lofty purpose, that we have a President of the United States who has accomplished more than any other person in the history of the world toward the achievement of the ideal for which you have striven (applause)—and that too during the last year. We should stand ready at all times to hold up his hands in his patriotic effort to bring the nations of the world together in a compact to adjudicate their differences through a great international court.

Now I go directly, and only for a moment, to the resolutions which are before you. If I had known that I was expected to speak I would have given some attention to the question of the constitutionality of such a statute as is suggested by the Committee. It is doubted, as you know. Controversy there has been on the subject among great lawyers in this land. One of them to take the position that such a statute would offend against the Constitution was no less a man than Mr. Richard Olney, who, as a constitutional lawyer, stands in the very front rank of the profession in the United States and of his high character we all have knowledge. Hence, it would not do for me to-day, without having attempted to even study it, to express an opinion as to whether one or the other of the great jurists who have undertaken to consider the "pros" and "cons" of this subject for the public good is right. Whether the one or the other is right it is not necessary for us to decide before passing upon the question which is before us, which is, whether the Committee which was appointed by your conference last year shall continue its work. That the result aimed at should be accomplished in some way, who can doubt? Each and every one of us, I hope, believes in the constitutional scheme constructed by the Fathers, and therefore I trust is determined not to surrender any part of the necessary Home Rule powers which were retained to the people of the States. Yet we shall not hesitate now or at any time in the future to give to the Federal Government any additional power that it may need in order to work out wisely the problem which we have undertaken to solve here of a government of the people, by the people and for the people, and a government of law—not of men.

It is true, as is suggested by Dean Kirchwey, that it is a lawyer's question whether the proposed statute be constitutional. But while it is a lawyer's question in the beginning, in the end it is a question that has to be passed upon by the Supreme Court of the United States. As we cannot with certainty predict the decision of that court, the time is opportune in my judgment

to propose a constitutional amendment for submission to the people of the States whether or not the Constitution shall be so amended and at once as to confer upon the Federal courts the power to pass upon all treaty questions; and this I think the people of the United States would not hesitate to grant. For if there be one tribunal above another in which the people of the United States have, and justly have, the utmost confidence, it is the Supreme Court of the United States,—the court of the broadest jurisdiction and the greatest power of any court in the history of the world, and yet a court that throughout all its history has won and maintained from the beginning to this hour, the confidence of every right-minded man and woman in our beloved country. (Applause.)

Hon. JOHN W. FOSTER: Mr. Chairman.

The CHAIRMAN: General Foster.

Hon. JOHN W. FOSTER: Might I undertake to intrude a little information that may aid us in deciding this question?

The CHAIRMAN: With the greatest pleasure.

Hon. Mr. FOSTER: I had a conversation some time ago with Senator Root, who had introduced a bill carrying out this idea of congress exercising its power to confer upon the courts jurisdiction in these questions; and I asked him if he had read the discussion in the Senate of the United States on this question several years ago. He said he had not. I suggested that he read it, because he would find there the position taken by a number of prominent senators as to the unconstitutionality of such legislation, and I said that one of the senators had transferred his duties to the Supreme Court of the United States and that he might incur some difficulty in getting such legislation approved by the Supreme Court. He said he did not anticipate much trouble in that direction, and he asked me if I was familiar with the case *in re Metcalf* in the reports of the Rhode Island Supreme Court. I told him I had not seen it. He said that case was of this character: that a prominent citizen of Rhode Island died, and under the direction of his wife, his body was buried in a Baptist cemetery; some time after the daughter presented an application to the court, asking that the body be disinterred and removed to the Universalist cemetery. And the reason given for such action was that the father did not believe in the doctrine of eternal punishment and the interment was improper. The judge declined the application, because he said, although the father may have entertained such views at the time of his death, he possibly may have changed his mind! And that might be the condition of the judge of the Supreme Court, who was once a senator! (Applause.)

The CHAIRMAN: The question is upon the adoption of the committee report and the accompanying resolution. So many as are in favor of its adoption will signify by saying Aye? Contrary minded? The report and resolution are unanimously adopted. (Applause.)

(For a copy of the resolution, see page 13.)

The Conference then adjourned until evening.

Sixth Session

Friday Evening, May 26, 1911

Mr. ALBERT K. SMILEY: As President Nicholas Murray Butler who has so ably conducted our sessions for the past two or three days has been called to New York on important business, we have chosen for our presiding officer this evening a gentleman who for a lifetime has been prominent in everything that is good and who has taken a great and intelligent interest in the problem of international peace. He is a member of the Hague Court, and has three times been our representative to Turkey. It gives me much pleasure to present Hon. OSCAR S. STRAUS. (Applause.)

The CHAIRMAN: (Hon. Oscar S. Straus): I will not take up any of the valuable time of this evening, but will at once begin my duties by introducing the first speaker, Hon. WILLIAM A. WEIR, Justice of the Superior Court of the Province of Quebec.

THE DEVELOPMENT OF INTERNATIONAL SPIRIT

ADDRESS OF THE HON. MR. JUSTICE WEIR

It may appear, on first thought, that Canada occupying only a subordinate place in the British Empire, her citizens are not competent from actual national experience to speak on such a subject as the development of international spirit. But when it is considered that the flag of our empire each day salutes the rising sun in every part of the world and that Canadians are interested in whatever specially affects any portion of our 450,000,000 fellow citizens of all races and creeds, it may be admitted that we have an opportunity of developing in ourselves something broader than a merely local or sectional spirit. In particular, the problems that the mother country has to solve in connection with European politics command our interested attention.

We are also able to give the more consideration to questions of international interest for the reason that the issues and events arising within our own borders are not so numerous as to absorb all our thoughts. It may be noted in this connection that the first page of our daily newspapers even in our smallest cities and towns is almost invariably devoted to foreign news, and this fact tends to the development of an interest in international affairs.

We are, moreover, a peace-loving people. We have never had a quarrel on our own account and yet you all know the kind of neighbors we've had. (Laughter.) Rather than put the United States to any trouble, we have, as a rule, given in or given away things that she might want at any time, and been satisfied for our part with the righteousness that exalteth a nation. And the story of our negotiations with the United States is not a short one. Take for example what has occurred quite recently.

In the two years between April, 1908, and May, 1910, Great Britain, acting for Canada, signed six treaties, agreements or conventions with the United States as follows: 1. Treaty respecting the demarcation of the international boundary signed April 11, 1908; 2. The same subject was covered by a supplementary treaty on May 21, 1910; 3. A convention respecting the protection, preservation, and propagation of food fishes in the waters contiguous to the United States and Canada or the United States signed April 11, 1908; 4. Treaty for the conveyance of persons in custody for trial either in Canada or the United States through the territory of the other; and for reciprocal rights in wreckage and salvage in waters contiguous to the common boundary, signed May 18, 1908; 5. The treaty relating to boundary waters and questions arising along the boundary between Canada and the United States, signed January 11, 1909, and ratified on May 5, 1910; and 6. The reference of the Atlantic Fisheries question to the Hague Tribunal.

It cannot be gainsaid that this is a splendid record for two years and marks the development of a true international spirit in both countries.

There are, however, other matters of perhaps minor importance that the two countries could easily settle and thereby increase our international comity.

Our coasting and shipping regulations are in many respects as petty and vexatious as it is possible to make them. To give only one example, The engagement of officers and pilots of vessels depends upon their nationality, and, to retain their licenses, they must reside on that side of the boundary lakes or bays, where they owe allegiance, and the ships are denied the right of doing business in the same way as an international railway train. They can only stop at one station in the country whose register they do not bear. Again, the employer on either side of the line is forbidden by our alien labor laws to bring over the boundary the skilled or unskilled help he may require. The narrow spirit of these and other similar regulations will, I am confident, disappear before the growing good feeling of the two peoples.

One deduction I may be allowed to make from our experience in treaty making is that the judges or commissioners named to decide a disputed question should not be selected only from the two nations interested. What could be more undignified than the action in the Alaska Boundary award? In that case, the "three unbiased jurists of repute" representing the United States were always of one mind and the two Canadians refused to sign the award, a decision being made possible only by the international spirit of Lord Alverstone, the English representative. How much more satisfactory would have been the decision of a permanent international court, on which prominent jurists of all nations had seats, who would have given their judgment solely on broad, equitable and legal principles. Happily the popular notion that a treaty is like horse-trading and that in order to be successful, some advantage must be taken of the other side is now generally passing away and, as in the recent fishery award, the desire is that right and justice be done.

Chauvinism, which is what much of so-called patriotism really consists of, is more and more being regarded as the mark of narrow vulgar minds. It is a relic of the days when men were enemies because a mountain or a strait separated their habitations and each village had a set of gods of its own. It is the stock in trade of the jingo yellow journals, which are the great blot on modern civilization. I sometimes think that it would be a blessing, every now and again, to hang some of the editors as a warning to the survivors. Such a measure, at the periods of the war with the Boers and the Spanish-American conflict would have prevented those phenomenal blunders.

But even with the yellow journalists unchanged, the broad views of the common weal of humanity have made great progress. To-day, the ideal of the common fatherhood of one God and the universal brotherhood of man is kindling nobler sentiments among the peoples of the world. And the cause of this development may be summed up in one word—Freedom. The freer people are, the broader their moral outlook. The story of the world up to our own times is the development of Liberty. In early times, the mass of the people in each country were restrained and controlled by a chief, a despot, by oligarchies, by feudal classes or aristocracies; and wars were common. Gradually, the freedom of the people developed and national quarrels and prejudices became less marked.

Oddly enough, let me say *en passant*, one of the chief instruments in restraining the dominion of physical force in the world and in placing the various orders of society on a level was gunpowder. From its introduction into Europe, the mailed knight with his spear and battle-axe no longer could maintain an undisputed supremacy over the common people. And, in the

Thirty Years' War, the trading class, the guilds and companies of marksmen formed a militia whose efficiency was more than a match for the then famous Spanish infantry. Thereafter, the progress of democracy was assured.

The spread of commerce put wealth into the hands of the people and increased their power to put a veto upon war. The voice of commerce is ever for peace, for war brings disaster not only to the business interests of those engaged in it, but also to those neutrals who trade with either or both belligerents. How much greater would be the influence of international commerce in preventing war if it were allowed to grow and develop untrammelled by numerous high customs tariffs! For international amity would keep pace with the growth of international commerce.

I was much struck, a few months ago, by a statement of Mr. RAMSAY MACDONALD, the British labor M. P. in connection with a visit he had made to Germany. In a certain centre there, where the men, women and children were engaged in the making of dolls and children's toys, he noted a bitter feeling towards the United States and found it was due to the increased duty put upon toys by the Payne-Aldrich tariff. For a time, the toy industry there had been paralyzed and distress was general. They finally overcame the difficulty by making the toys smaller and of cheaper materials. But the hostile feeling remained. I have no doubt that much of the unfriendly sentiment in Great Britain towards Germany is traceable to similar causes. Would it not be worth while avoiding the creation of such sentiments?

Of course, on the economic advantages or disadvantages of customs tariffs, I have not to express any opinion, but I think I have indicated one hindrance to the development of international amity and concord. If further illustration be necessary, I can say, as a Canadian, that the abrogation of the Elgin-Marcy reciprocity treaty in 1866, the futile attempts since then to make new trade treaties, the high rates of the Dingley and other tariffs have not helped to promote the best of neighborly sentiments, between the two Anglo-Saxon peoples that occupy this continent.

On the other hand, I am confident that the whole-hearted offer of reciprocity made by the distinguished president of the United States will do much to promote the development of good international feeling between the two countries whatever may be the economic or political results.

The development of international sympathy and co-operation among the *laboring classes* has been most marked of recent years. On this continent, most of the labor organizations are associated regardless of international boundaries. Across the ocean, on the 31st of January last, the labor leaders of five European nations

met in London and solemnly declared that there is not and cannot be any cause for war between the democracies of Europe. The annual expenditure on armaments of \$2,500,000,000 was denounced as a ghastly waste and a tax on labor. Unanimously, they denounced war and acclaimed arbitration. The community of interests and the brotherhood of the proletariat classes of all nations was vigorously emphasized. Surely this was a most momentous event in the history of mankind!

While reading the account of that meeting, I could not but recall the marvel of the ploughman poet, who in the darkness of Calvinistic Scotland in the eighteenth century, threw a new sun into the moral sky of the universe, when he exclaimed:

“It’s coming yet for a’ that,
That man to man, the world o’er
Shall brithers be for a’ that.”

When the inspiration of the poet has got into the mind of the workingman, a vast step towards its realization has been taken. Only last month the German Chancellor declared that the time had passed when European wars could be made by governments and that they can now only arise from antagonism rooted in popular sentiment. It is possible that he underestimated the power of a government to set aflame the passions of its people under certain circumstances; but his saying is an acknowledgment of the fact that in Germany as in other important countries, there are millions of people strongly opposed to war for the settlement of international difficulties.

The *entente cordiale* declared by the governments of France and Great Britain is a splendid example of the development of friendly sentiment between two nations by governmental initiative. And President Taft has crowned himself with enduring glory by his suggestion that the United States and Great Britain should carry the principle of international arbitration to its extremest limits. His proposal has been worthily acclaimed in both countries. What a splendid era in the history of humanity, the adoption of his suggestion would be! Such a pact between two such nations would establish new ideals and new standards of thought in international circles. We cannot hope altogether to banish sorrow and sighing from this world, but who can measure the misery that such action will ultimately save the sons and daughters of men.

The exercise of very little thought will enable rulers, legislators and people to realize that love, truth, compassion, service, and tenderness exist in the hearts of all men, irrespective of what skies they live under or what language they speak, and that all nations are striving to attain nobler ideals. It follows, that sympathy should be international as well as local; that the legislative or diplomatic action of any nation should not be

purely selfish; that the interests of mankind are in reality common and international.

The peace of the world depends now on the sentiments of the great mass of the people and as these become more and more humanitarian and altruistic, war will sink away as a dead phantom of the past. (Applause.)

THE CHAIRMAN: The Platform, or official declaration expressing the sense of the Conference, will now be presented for your consideration by Mr. EDWIN D. MEAD, of Boston, acting on behalf of the Executive Committee.

Mr. EDWIN D. MEAD presented and moved the adoption of the Platform, prefacing it with a few well-chosen words of introduction but declaring that as a whole it spoke for itself.

(A copy of the platform in the form presented and adopted will be found on page 8 of this report.)

Hon. ELMER ELLSWORTH BROWN, United States Commissioner of Education, seconded the motion to adopt the Platform, strongly commending the endorsement therein of the arbitration proposals of President Taft.

Hon. EVERETT P. WHEELER, of New York, moved an amendment to the Platform striking out the passage referring to the desirability of prohibiting money loans to belligerents by neutral peoples. He declared such a prohibition might operate to the detriment of a belligerent nation fighting for its independence or for some great moral cause.

Dr. JUNIUS B. REMENSNYDER, of New York, and Mr. EDWIN D. MEAD both expressed the hope that the amendment might not carry. Mr. Mead pointed out that many eminent men, including the presiding officer of the Conference at that moment, Hon. Oscar S. Straus, had already strongly urged the importance of such prohibition.

The amendment offered by Mr. Wheeler was put to the Conference and lost, whereupon the question reverted to the original motion to adopt the platform. The question being put, the Platform was adopted by a unanimous vote.

(For a copy of the Platform, see page 8.)

At the suggestion of the presiding officer, a motion was carried that certified copies of the Platform be sent to the President of the United States, to Hon. Shelby M. Cullom, Chairman of the Committee on Foreign Relations of the United States Senate, and to the Prime Minister of England. (Copies were accordingly sent, and since the meeting the Secretary of the Conference has received letters acknowledging receipt of the documents.ED.)

Dr. GEORGE W. KIRCHWEY, on behalf of the Executive Committee, presented a supplementary resolution asking the President of the United States to use his best efforts to obtain an agreement among the nations to prohibit the use of airships of any kind for purposes of war. A copy of this resolution as presented and adopted will be found on page 14 of this report.

In introducing the resolution, Dr. Kirchwey called attention to the fact that military authorities in many nations are giving close attention to the adaptability of air craft to military purposes; that the art of aviation is making rapid progress; and that soon if no action be taken the nations will have millions of dollars invested in instruments for aerial warfare. Now, he declared, before the system of warfare had been extended to the air, is the time for the friends of peace to make every effort to prevent such a calamity.

The CHAIRMAN: We have with us a distinguished congressman from the distant state of California, and it is with great pleasure that I present Hon. JOSEPH R. KNOWLAND.

POPULAR MISCONCEPTIONS CONCERNING WAR WITH JAPAN AND TREATIES OF ARBITRATION

REMARKS OF HON. JOSEPH R. KNOWLAND, M. C.

It is very seldom that a cabinet officer, or rather, an ex-cabinet officer, has the opportunity of paying off old scores as our presiding officer has on this occasion. When he was a member of the cabinet and I a member of Congress, quite frequently I called upon him or his department for information, and possibly upon occasions criticised the department, particularly if some exigency within my district demanded it, but to-night is his chance at me: hence this unexpected call. I had hoped that, hailing as I did from what the distinguished visitor from France characterized as the center of the "inevitable war" with Japan, I might be allowed simply to listen and become permeated with the spirit of peace which abounds in this environment, and go back to California and to my district, Alameda county, which is just across the bay from the city of San Francisco, and see if I could not disseminate a little of this peaceful atmosphere.

I want to say I have found during my experience in Washington that the real center of the inevitable war with Japan is not in the great commonwealth of California, but in the person of a distinguished colleague of mine in the House of Representatives, the honorable Richmond Pearson Hobson of Alabama. I also notice that these "inevitable war" clouds always seem to rise about the time we are voting for battleships, as one of

the distinguished foreign visitors states is usually the case in his country about the time the budget is up for consideration.

I have had occasion lately to ascertain that at least one of the causes of the friction—if we can call it friction—which has existed in the state of California has been to a large extent eliminated. We have indeed had in our state a problem to face because of the immigration of Japanese laborers, but recently I called upon the department, formerly presided over by our distinguished chairman, for information concerning the arrival and departure of Japanese during the last two or three years and the statistics furnished showed that from July 1st, 1908, to the 1st of March, 1911, for both the continent of the United States and the territory of Hawaii, there had been nearly two Japanese laborers leaving to one entering. It would appear from these figures that the chief cause of friction in California had been removed.

I had occasion the other day also to note something that was indeed pleasing to me. The chairman of the Republican minority—it seems rather strange to say Republican minority; we have to do it—requested me to ascertain, if I could, the sentiment among the members of Congress from the Pacific coast relative to an appropriation for the purpose of properly entertaining a distinguished Japanese admiral who is, I believe, to attend the coronation, and on his return it is hoped will visit the United States. The State Department declared that to properly entertain him it would be necessary for Congress to appropriate a certain sum of money. Obviously, they did not desire the matter to come up before the House and have any opposition raised. Naturally the first thought was that the opposition, if it came at all, would probably come from the center of that “inevitable war,”—the Pacific Coast,—and I was asked to inquire among the representatives from the coast states—Oregon, Washington, California, Utah and Idaho—and find if there would be any objection raised. I interviewed every member of Congress from these Pacific coast states and I was very much pleased, and I know you will be likewise gratified, that there was not a single objection, but instead there was the most enthusiastic response and a willingness to vote any sum within reason to do honor to a distinguished representative of that great nation. (Applause.)

We in California expect at the Panama Exposition in 1915 that the Empire of Japan will make one of the finest exhibits of any nation of the world, which I believe is going to have its influence toward bringing the people of my state and of Japan into a closer relationship.

I was very much gratified yesterday in reading the daily papers to find that Japan, learning of the proposed arbitration

treaty between the United States and Great Britain, was anxious also to be included in the negotiations. If this is going to be the policy of Japan, in a few years I believe we of the state of California and of every other section of the country will hear less and less of the "inevitable war" between the United States and the Empire of Japan. (Applause.)

I want to take this occasion as one who has had fourteen years' experience in public life, seven years in the legislature of my state and seven years in the Congress of the United States, to sound a note of warning to this assembly. We are very apt, when we are gathered together in such a peaceful environment, with the sentiment practically unanimous in favor of every measure that tends toward universal peace, to forget that all of the public sentiment in the United States is not centered at Lake Mohonk. One of the speakers—I think it was to-day—propounded a question to this assemblage as to who the individuals were who were receiving two-thirds of the money appropriated by the United States government either in anticipation of future wars or as the result of past conflicts. I might have answered that question, because I think I know, but just at this time, in view of the fact that we are having an era of investigation at Washington, perhaps it would not be safe for me to do so. But we have to consider those influences, and we must take note of another propaganda that I notice has started in the city of Washington against the proposed arbitration treaty, which impresses upon my mind the danger if members of the Conference go home with the idea that they have established permanent peace throughout the world. Leave here with a determination that as far as your individual influence goes, and I know the influence of the members of this body will be mighty throughout the United States, that you, when you arrive at your respective homes, will put forth every effort within your power, individually, and among your friends and associates, to impress upon the Senate of the United States the necessity of promptly ratifying and approving the treaty when it is presented to that body.

There are other individuals and bodies interested against the ratification of this proposed treaty, and I know from experience that a member of Congress, if he receives a great number of letters or telegrams against a certain proposition, and if no one, or at least a very few, write or wire in advocacy, that naturally, being human, and particularly if he is a member of the House elected every two years, is very apt to pay attention to the sentiment of what appears to be the majority. It behooves the members of this Conference to use their best endeavors in impressing upon the Senate of the United States, the members

of which body I believe desire to be responsive to public sentiment, the necessity of the ratification of this treaty.

Your work is only beginning. While I regard President Taft's negotiation of this treaty as one of the greatest achievements of his administration, and believe that public sentiment if properly aroused will support him, nevertheless final success will not result unless the people who are vitally interested—which applies to you who are represented here to-day—start a campaign of education, inducing their friends who are interested to join with them. If this plan is followed, our fondest hopes will be realized and when the next Conference meets in this beautiful spot, we will be able to congratulate ourselves upon the fact that the treaty, if not ratified, at least is in a fair way of being approved by the Senate of the United States. (Applause.)

The CHAIRMAN: We also have with us a former member of the English Parliament, and the present Treasurer of the British National Peace Council. I am sure he must have a message for this Conference, and I therefore call upon Mr. ALFRED J. KING, of Windermere, England.

THE BRITISH NATIONAL PEACE COUNCIL

REMARKS OF MR. ALFRED J. KING

I am very pleased, Mr. President, to have these few moments given to me, because just before I left our shores in England, I attended a meeting in London of the National Peace Council of Great Britain and Ireland of which I have the honor to be treasurer. At that meeting a resolution was unanimously passed, asking me to convey to this Mohonk Conference, and to its honored and distinguished host, Mr. Smiley, the cordial greetings and the best wishes of that Council. (Applause.)

I understand from what has taken place here that you in this country are proposing to establish something in the nature of a national council of peace, and had I the time I might perhaps say a few words as to what led to the establishment of our National Peace Council. The causes in both countries appear to have been the same. We have in our country supporters of the cause of peace actuated by widely different motives. We in the National Peace Council embrace them all. So far as I can see, the motives and aims which led to the formation of our National Peace Council are very much the motives and aims which are actuating you in forming your National Peace Council; the only difference—a rather curious one—is that the constitution of our National Council is perhaps a little more democratic than you are proposing. (Laughter.) Because,

be it wise or be it otherwise, every member of our national council is directly elected by some constituent body represented on that council.

The work of the National Council is largely to act as a clearing house and a centre for national information and to take national action on peace questions. The Council controls, arranges and organizes the Annual National Conference, and it also publishes year by year the Peace Year Book, which you will find a very useful publication.

We people in the Old World look to you in the New World to lead us very largely in this matter of international peace. We have heard of some difficulties which you have; we find that you have vested interests in this country whose interest it is to maintain the present system of war! We have those same vested interests in the old country. But I think you are at any rate free from some of the difficulties which we have there to face. I do not think such an incident as this could possibly occur. We have what is called the "squirearchy." I was once discussing this question of peace and war with one of these gentlemen; I was advocating the abolition of the navy and army; and he turned round and made this remark: "But, Mr. King, if you abolish the army and navy what are we to do with our sons!" (Laughter.) In fact, there is a class of people in Great Britain who seem to think that the army and navy are excellent institutions; they are maintained by the government and solve for them with regard to their younger sons the great problem of unemployment in their youth as well as pensions in their old age.

I should just like to say on my own behalf, and on behalf of my wife, how cordially we thank Mr. Smiley for the opportunity and privilege he has given us of being present at this great Conference. I have attended many peace conferences, many congresses of various kinds and I think I can honestly say I never attended a conference at which the tone and character of the addresses maintained so uniformly high a level as at this Conference. (Applause.) When some of his friends thought Abraham Lincoln was not quite equal to the big task of opposing Mr. Douglas they asked him: "Do you know who Stephen A. Douglas is?" And he replied, "Yes, I know who Stephen A. Douglas is; he is a man who has ten thousand blind followers, and it is my business to make those followers see!" That seems to be what this Conference is doing,—endeavoring to make the followers of war and old traditions of narrow patriotism see a better light and a better way. (Applause.)

THE CHAIRMAN: Dr. GEORGE E. MACLEAN, President of the State University of Iowa, has a message for us.

THE SCHOLAR—THE SOLDIER OF PEACE

ADDRESS OF GEORGE E. MACLEAN, LL. D.

The scholar in the future civilization must take the place of the soldier and be the soldier of peace. The scholar means not simply the professor, but it means also every teacher and every boy and girl in the schools. This Conference, in 1905, under the inspiration of the late Dr. Daniel C. Gilman, organized a committee on colleges and schools; that committee has already brought it about that three-fifths of the universities and colleges in the United States have taken definite action to advance the work in which we are engaged. But only one and fifty-two hundredths per cent. of the students of the United States are in our universities and colleges; only six out of every hundred pupils go beyond our elementary schools; ninety-four, in other words, of every hundred pupils finish their education, so far as school is concerned, in the elementary school. It is the glory of education as of the Kingdom of Heaven that every great movement has been from above downward and now that this committee on schools and colleges in six years has captured three-fourths of the colleges and universities, the time has come when this movement must go downward through all the schools.

And in order to realize what William von Humboldt said, "Whatever you would introduce into the life of a nation you must introduce into the life of the schools," I suggest that there might well be a committee of this Conference for the propaganda of peace throughout the schools of the United States. The schools are ruled by ideals—they are instructed by examples; we must, therefore see that our old-fashioned text books that presented as ideals the man of war, are now so reconstructed that the heroes shall be the heroes of peace; we must even take the old-standard heroes of history and reinterpret them as in some sense heroes of peace in their benighted times, for they were fighting for peace, seeking peace, even if they had to fight for it. Peace must be made as glorious as war with all its pomp and pageantry.

The other day a great paper of the United States reported a peace mass meeting in the Guildhall at London, and I said to myself, "There is an example of the way in which to report." It was an admirably illustrated report. The picture of the Lord Mayor, the picture of Asquith, of Balfour and of that historic old Guildhall, and the picture of the mace of the Mayor carried there, perhaps for the first time, with emphasis as a symbol of peace, all picture that great mother country waiting to be led on into new victories of peace. Let all our text-books thus be illustrated. Let peace be taught not simply in the books of

history and diplomacy and jurisprudence and political science, but let it be taught by the method of correlation, by the very best method of every teacher of every subject as that subject may verge upon the matter of peace.

There must be organization within the schools to carry on this propaganda of peace. We have a noble beginning. The Cosmopolitan clubs now number in the United States in the leading colleges and universities sixty-seven chapters. Those Cosmopolitan clubs, made up of representatives of the nations studying in these colleges and universities, are allied with the Corda Fratres, that great international "brotherhood at heart," that is filling the great schools of Italy and of Germany and France. The Corda Fratres is standing for making a real international propaganda for peace; it is standing for, making visible, the invisible republic of letters. Let us, therefore, say to these Cosmopolitan clubs, "Propagate your clubs in forms adapted to the purpose of every college." At present these clubs are only where many foreign students congregate in the leading universities. Let us persuade the secret fraternities and literary societies that stand for brotherhood in the colleges to form an inter-fraternity of peace among the students, allied with the Cosmopolitan clubs.

Below the colleges there is at present a mighty boy scout movement, and now there appears a girl scout movement. They reach the boys and girls at the critical period of adolescence, as we now know from a study of psychology. Go down into the schools and have there allied boy and girl scouts of peace. The boy scouts of Italy have already sounded the note and they have written calling for an article in the platform with reference to peace. The article reads: "The scout is a friend to all and a brother to every other scout of whatever race, class or sect, and we believe that through the working of this law that many of the great problems between nations will be solved. We extend to your body and to the boys of such organizations, greetings and assurance that we are also guided by the same ideas and that we consider you as part of the same order to which we belong and which is the universal order of the boy scouts."

Peace propagated thus through organizations of pupils or students will give us the scholar, the soldier of peace. There will be three great ranks: there will be the artillery in the Cosmopolitan clubs and the professors in the universities. There will be the cavalry in the secondary schools and colleges, full of life and spirit. Below, way down to the primary grades, we will literally have the infantry in this army of peace.

Thus I plead for the scholar, the soldier of peace. The soldier stands first for obedience, second for loyalty, third for

discipline, and we must have this organization in the propaganda of peace. We have left it too long to other influences. We must now turn to the schools and to the children, just as Dr. Clifford eloquently claimed that the churches would turn to the rising generation.

We have five hundred eighty thousand teachers in the United States; three million five hundred thousand teachers in the world. Let them be the officers of these soldiers of peace. Naturally this Conference has had almost from the beginning the Commissioner of Education, who commands these five hundred eighty thousand teachers, and they have had a modest, able leader in Dr. Elmer Ellsworth Brown. Also Mr. Smiley himself, originally a school master, we are proud to claim, as a scholar and a soldier of peace. (Applause.)

Mr. ALBERT K. SMILEY: With reference to the work of the colleges for international peace, of which Dr. MacLean has just spoken, I want to make a short explanation. Since 1905, with the co-operation of a distinguished committee of educators, our conference office has carried on an extensive correspondence with all the colleges of this country, and has found about three-fourths of them thoroughly in sympathy with our aims and willing to help in giving the subject greater prominence in their class rooms and through special occasions arranged for the purpose. We have each year printed in our annual report a list of the colleges that have co-operated in this work. This we think is no longer necessary, as the list already includes practically all the larger institutions and the great majority of the smaller ones. The correspondence of the past winter has been decidedly hopeful and we believe that with the interest already aroused in the colleges, with increased activity on the part of the Intercollegiate Peace Association founded especially for this purpose, and with the impetus which the Carnegie Endowment will give the whole peace movement, the future of this most important field of work will be well cared for.

As to propaganda among the schools, I understand that the American School Peace League has made a very hopeful start in this great and important work. (Applause.)

THE CHAIRMAN: We are now to hear from the Chairman of the Propaganda Committee of the American Peace and Arbitration League—Mrs. ELMER E. BLACK.

WHAT CAN WOMAN DO FOR THE PEACE MOVEMENT?

ADDRESS OF MRS. ELMER E. BLACK

In the movement against war, man has effected much good along certain legal and legislative lines, and he deserves for his

efforts all praise. In the wider field of humanitarianism, however, it is woman who has made marked impress, and she will continue to achieve results in ways and along avenues of endeavor that are especially hers and not man's.

Her strength in the home, the school and the social circle is rising to actual power in the larger field of public affairs. Like the potency of art, music and literature, woman's influence constantly permeates the body social and politic.

To-day, countless women are silently working for peace. Leaders, like Jane Addams in this country and Baroness von Suttner in Europe, hearten us with hope for the triumph of a larger humanity and a brighter destiny for mankind. "Die Waffen nieder" sounded in the peace movement a clear note of faith, encouragement and joy.

Woman can and does make earnest and effective propaganda by converse with others, in the family and outside of it. When possessed with an idea that arouses her enthusiasm and enlists her support, she advocates it earnestly, and sooner or later she is bound to have an army of converts to her cause.

The peace movement appeals to woman because she has always striven to promote good will and to bring about progress, not by war but by peaceful agencies. Woman has ever been a producer and a preserver, not a destroyer, of life, and her large sympathies and affection conquer even racial and national prejudices. Woman has ever been the arch-apostle of humanity, the high-priestess of altruism and self-sacrifice. When duty called her to the field of battle, it has been hers to carry out the mission of saving those whom men had mutilated. Her entrance into the arena of activities in public affairs, while still pursuing the duties of the home and the social circle, has changed the current of modern civilization and opened up untold possibilities. For this work she is well equipped by inherent qualities, past history and present conditions.

In hastening the new era of humanitarianism, good will and internationalism, woman must rightly take a leading part, for she bears the children who may become the victims of any wars in the future. The actualities of war, stripped of the glamor that has been cast about it, lead women instinctively to range themselves on the side of peace, for they are the mothers, wives or sisters, who have been the indirect victims of the martial spirit.

For their action on behalf of peace, the field is thoroughly prepared. Women in the United States are splendidly organized. Their federated clubs cover the country, and make possible the reaching of women in every section, in almost every household.

The magazines of greatest circulation are those which appeal especially to women. What towers of strength their columns

would be if directed in the interest of peace. Women are fitted and ready to shoulder their burden in the settlement of the great questions of the present day, and that question, in particular, which lies at the root of all of them—international peace and arbitration.

We are living in an intensely practical age; results count. Nowhere to a greater degree have the watchwords of efficiency and achievement been emphasized than in the United States.

To aid the cause of peace women must first interest themselves vitally in its principles, and make active efforts to convince others. As a means of stimulating efforts to this end, a mighty force for good could be called into play if the directors of the Carnegie Endowment would make use of the latent strength in the federated women's clubs, converting them into a tremendous influence, not only in the home and in the school, but also in society and on the platform. Let them place the leaders in this movement at work among those organizations, authorize them to interest these women in the cause of peace.

Women must realize how deeply the roots of any important question affecting the welfare and happiness of mankind strike down into the most vital of all issues now before us—that of assuring international peace by absolutely pacific means.

I am one who believes that woman's intuition and general judgment of the fitness of things enable her to wield a powerful sway over public affairs, whether she has or has not the right to vote. (Laughter and applause.) Women possess qualities inherent and acquired, which have won their present position of prominence in the world's great movements. The recognition and appreciation of man are hers, and with or without the ballot these can be turned to account.

In the colleges of our country there are thousands of girls, the choicest in the land. These will be the mothers and teachers of the American children of the future. Most of the ethical and religious instruction of children is under the direction of women. Practically all the teachers of the public schools are women. To interest the children of America in the peace movement, the girls, who are to be the mothers and teachers, must be educated in its tenets and aims. Their participation in the cause would be of untold benefit to mankind. They will become enthusiastic advocates and workers, once they realize the true meaning of peace and arbitration.

Because I feel that women can be made such potent factors in the peace movement, I wish to offer through the Lake Mohonk Conference two prizes to the women students of the colleges of the United States—a first prize of \$200 and a second of \$100—for the best essays on international peace. I desire that

the Conference should appoint the judges, only suggesting that one might very fittingly be a woman. (Applause.)

By vote of the Conference, the offer of prizes made by Mrs. Black in her address was accepted with thanks.

THE CHAIRMAN: There is a Conference Prize of \$100 which has been given annually for several years by Mr. Chester DeWitt Pugsley for the best essay on International Arbitration by an undergraduate student of an American college. The prize is now to be presented to the winner of this year's contest. Will the donor of the prize please come forward? I present Mr. PUGSLEY.

PRESENTATION OF THE PUGSLEY ESSAY PRIZE

BY MR. CHESTER DEWITT PUGSLEY

It is an interesting fact that the winner of a prize on International Arbitration should be one of foreign birth, a native of the country which first proposed the Hague Conferences. Almost equally of interest is it that a student of a Southern college should win out in a competition with students from the largest universities in the country, as Harvard, Princeton, Cornell, Columbia and Wisconsin.

Among the contestants this year are two students of West Point, men who are to devote their lives to a military career and yet taking sufficient interest in International Arbitration to write essays on it.

A Chinese and a Japanese student also submitted essays, which shows that these Oriental students who are studying in the United States are taking a keen interest in International Arbitration, and as they are usually sent here by their governments and will enter the public service on their return, their influence in moulding the public sentiments of their native lands in favor of arbitration is proportionate to their interest.

Your Committee, consisting of Dr. Elmer Ellsworth Brown, the United States Commissioner of Education, Justice Joseph B. Moore, of Michigan, and Professor G. W. Scott, of Columbia University, have, out of sixty-one essays submitted by students in over fifty different colleges, awarded the prize to Mr. Harry Posner, of West Point, Miss., a native of Russia, a naturalized American citizen, and a graduate of the engineering department this year of the Mississippi Agricultural and Mechanical College. (Applause.)

After the winner, the four best essays in their order were submitted by Eugene M. Kayden, a Senior in the University of Colorado; Lindsay Rogers, a Junior in Johns Hopkins University; Seymour P. Gilbert, Jr., a Junior in Rutgers College;

and Charles Schewench, a Freshman in Brigham Young University of Utah.

Mr. Posner, on behalf of the Conference, I present you the prize of \$100.

THE CHAIRMAN: *Ladies and gentlemen*, Mr. POSNER. (Applause.)

ACCEPTANCE OF THE PUGSLEY ESSAY PRIZE

BY MR. HARRY POSNER

I feel absolutely powerless in the task of expressing my appreciation of the honor which this Conference has conferred upon me. Words shrivel into insignificance as I attempt to find expression for the emotions that swell my breast at the present moment.

I beg to state that the sense of gratitude which fills my heart is tinged with sensations that were not expressed by my predecessors. To them as native Americans, the value of the prize could extend only so far as it embodied the reward of effort along a literary line, or as it brought with it the complacent consciousness of being victorious. To me, however, who has come from a country where personal liberty and freedom of endeavor are not the common lot of all, the winning of this prize speaks of a land where chance is within the reach of every man, where opportunity is knocking at every man's door. (Applause.) As I have been speeding to this Conference, across the entire breadth of the country, between the vast prairies of the Mississippi and the majestic mountains of New York, I looked at the fields and forests, at the hills and meadows, at the brooks and rivers, as they came whirling past our train, and I said to myself, "This is my new fatherland. Here the only requisites for success are honesty and merit."

I wish to thank Mr. Smiley for having made it possible for me to attend this Conference and spend a few days in the midst of this most delightful and picturesque scenery; for the privilege afforded me to listen to and to come in contact with some of the most able and learned men of this country, as well as of other countries. I wish to assure you, Mr. Smiley, that these days will forever remain inscribed upon the walls of my memory as the happiest days of my life.

Lastly, I wish to express my firm conviction that the prize so generously offered by Mr. Pugsley and the contest so masterly conducted by this Conference have certainly attained their high aim in creating a sentiment among college students,—a sentiment which forbids the glorification of illegal slaughter of men in the form of legal war! The students cannot fail to take this

sentiment with them as they go out into life and are called upon to mould the public opinion of the future. It is not hazardous, then, in the least to hope that with the aid of such a powerful factor in the interests of peace, the doctrine of arbitration will soon be brought down from the lofty realms of the idealistic, from the high planes of millennial prophecies and altruistic teachings, and be transformed into the living, breathing, inevitable reality. I thank you. (Applause.)

The CHAIRMAN: We were last evening deprived of a great pleasure when a representative of the church, than whom no clergyman has given more attention and more eloquent expression to the peace and arbitration movement, feeling the lateness of the hour, contented himself with saying little more than an "Amen." We are now happily to hear again, though on a different subject, Dr. CHARLES E. JEFFERSON, of New York.

REMARKS OF REV. CHARLES E. JEFFERSON, D. D.

Because in my little speech last night I betrayed certain symptoms of having mastered, to a certain degree, that high and difficult art of stopping, the Executive Committee has expressed its willingness to have me begin again. Not, I think, because it has any special delight in seeing me begin again, but because it anticipates the pleasure of seeing me make another speedy stop! Some men always achieve their greatest triumph as public speakers in the moment at which they stop.

Mr. Smiley—and when I say Mr. Smiley I mean everybody here who bears that name—what is the use of taking the time to say Mr. Albert K. Smiley and Mrs. Albert K. Smiley, and Mr. Daniel Smiley and Mrs. Daniel Smiley, when you are all alike, and when we cannot tell you apart when we look at you in the bright light of our high esteem? In the Esperanto of Mohonk, Mr. Smiley stands for all four. (Applause.)

Having begun my speech in Esperanto, I shall use English the rest of the way. You think, no doubt, you know what I am going to say; but you don't. You think I am going to praise you; but I am not. I would not do it. (Mr. SMILEY: Glad of that.) If I owned a place like this and everybody thought it his duty to come running to me and tell me it was beautiful, I would buy a gatling gun; in time of peace I would prepare for war! And if I invited three hundred people into my house, if I owned one like this, and after I got them in and after I had spread on the hospitality thick, if those people would insist on spreading on the eulogy thick, I would put them out! I would cover my lake with armored cruisers and torpedo boats, and torpedo boat destroyers, and I would make it certain that that sort of invader should never get in again!

I have no word of eulogy to-night. I was asked simply to express the gratitude of the three hundred members of this Conference, and I am not going to do that. Nobody can do it. Gratitude is a heavenly blossom, and you can no more express the perfume of it than you can express the perfume of the violet or the breath of spring. It is an aroma, it is an atmosphere, that even now is filling all the room in which we are sitting. You think I am going to make a speech, but I am not. At the closing moment of this Conference we are all going to be Quakers and you shall have the silent homage of a multitude of appreciative and grateful hearts! (Applause.)

REMARKS OF MR. ALBERT K. SMILEY

You think I am going to make a speech, but I am not. (Laughter.) I quote the words of Dr. Jefferson and I feel deeply the words he has spoken; but I have no words for reply. I am only going to say this—though you laugh at me every time I say it—that *this* has been the best Conference we have ever had. (Laughter and applause.) I am not joking. It is really so. We have never before at a Conference had so many illuminative addresses, so many distinguished persons. Nothing has pleased me more than the way in which the whole meeting has been conducted.

I thank you heartily for coming here. Most of you have made special efforts and sacrifices to come from great distances. I am especially glad to see so many from other nations across the sea, from all parts of Canada and from our own Pacific coast. I thank you all again. Good--by. (Applause.)

The CHAIRMAN: In accordance with the usual custom, we will now close the Conference by singing "God be with you till we meet again."

At the conclusion of the hymn, the Chairman declared the Seventeenth Annual Lake Mohonk Conference on International Arbitration adjourned, without day.

MEMBERS PRESENT AT THE SEVENTEENTH CONFERENCE

*The asterisk following the name of a gentleman indicates that he was accompanied by his wife.

- AIKEN, E. CLARENCE,* President Business Men's Association, Auburn, N. Y.
- ALI KULI, KHAN, Mirza, Charge d'Affaires Persian Legation, Washington.
- ANDERSON, HON. WILLIAM A.* Richmond, Va.
- ANDREWS, MRS. FANNIE FERN, Secretary American School Peace League, Boston.
- BAKER, J. ALLEN, M. P., Donnington, Harlesden, N. W., London, Eng.
- BEALS, REV. CHARLES E., Secretary Chicago Peace Society, Chicago, Ill.
- BELKNAP, WILLIAM R.,* Belknap Hardware & Mfg. Co., Louisville, Ky.
- BLACK, MRS. ELMER, President *The Editorial Review*, 1407 Times Bldg., New York.
- BRAY, FRANK CHAPIN,* Editor *The Chautauquan*, 23 Union Sq., New York.
- BROOKS, S. P., LL.D.,* President Baylor University, Waco, Tex.
- BROWN, HON. ELMER ELLSWORTH,* United States Commissioner of Education, Washington, D. C.
- BRYAN, HON. WILLIAM JENNINGS, Lincoln, Nebraska.
- BURDETTE, REV. ROBERT J.,* Pasadena, Cal.
- BURNHAM, GEORGE, JR., 214 North 34th St., Philadelphia.
- BURRELL, DAVID J., D.D.,* Pastor Marble Collegiate Church, New York.
- BURTON, MARION L., Ph.D.,* President Smith College, Northampton, Mass.
- BUTLER, NICHOLAS MURRAY, LL.D., President Columbia University, New York.
- CALDERON, SENOR DON IGNACIO,* Bolivian Minister, Washington, D. C.
- CALLAHAN, HON. D. J., President Maine State Board of Trade, Lewiston, Me.
- CALVERT, JOHN B., D.D.,* Irvington, N. Y.
- CAPEN, SAMUEL B., 85 Devonshire St., Boston, Mass.
- CARLE, FRANK A., Editor *The Minneapolis Tribune*, Minneapolis, Minn.
- CARPENTER, HON. WILLIAM L.,* 59 Delaware Ave., Detroit, Mich.
- CHASE, GEORGE C., LL.D.,* President Bates College, Lewiston, Me.
- CHILTON, H. M., 79 Hamilton Terrace, St. John's Wood, N. W., London, Eng.
- CHISHOLM, JOSEPH A., Mayor of Halifax, Halifax, N. S.
- CHRISTEN, PROFESSOR A., Worcester-on-Tyne, Eng.
- CLARK, FRANCIS E., D.D.,* President United Society Christian Endeavor, Boston.
- CLARK, JOHN MURRAY, K.C., 156 Yonge St., Toronto, Canada.
- CLEARWATER, HON. A. T., Kingston, N. Y.
- CLIFFORD, JOHN, D.D., President Baptist World Alliance, 25 Sunderland Terrace, Westbourne Gardens, W., London, Eng.
- CONANT, THOMAS O., LL.D., Editor *The Examiner*, New York.
- COOKE, WILLIAM G.,* Delegate Honolulu Chamber of Commerce, 82 Wall St., New York.
- COOMBS, HON. WILLIAM J.,* 63 South Portland Ave., Brooklyn, N. Y.

CORCORAN, JOHN H.,* Vice-President Massachusetts State Board of Trade, Cambridge.

CRANSTON, RT. REV. EARL, M. E. Bishop, Washington, D. C.

CROSMAN, GEORGE L., Delegate Board of Trade, Portland, Me.

DANDURAND, HON. RAOUL,* Member Canadian Senate, Montreal, Canada.

DARLINGTON, RT. REV. JAMES H.,* P. E. Bishop, Harrisburgh, Pa.

DAVIS, ALBERT E., Delegate North Side Board of Trade, New York, N. Y.

DAVIS, HON. DAVID,* Johnston Bldg., Cincinnati, O.

DOUGLAS, HON. W. W., 107 Prospect St., Providence, R. I.

DUNNING, A. E., D.D.,* Editor *The Congregationalist*, Boston.

DUTTON, PROF. SAMUEL T.,* Teachers' College, Columbia University, New York.

EATON, AMASA M., 701 Smith St., Providence, R. I.

EBERHART, HON. A. O., Governor of Minnesota, St. Paul, Minn.

EDE, VERY REV. W. MOORE, D.D. (The Dean of Worcester), Worcester, Eng.

ESTOURNELLES DE CONSTANT, BARON D', Member French Senate, 78^{bis} Avenue Henri Martin, Paris, France.

FARQUHAR, HON. A. B., Delegate National Association of Manufacturers, York, Pa.

FOSTER, HON. JOHN W.,* formerly Secretary of State, 1323 Eighteenth St. N. W., Washington, D. C.

FOULKE, HON. WILLIAM DUDLEY, LL.D.,* President National Municipal League, Richmond, Ind.

FRENCH, CHARLES E.,* Delegate Board of Trade, Amsterdam, N. Y.

FRISBIE, HON. DANIEL D.,* Speaker New York State Assembly, Middleburgh, N. Y.

GARFIELD, H. A., LL.D.,* President Williams College, Williamstown, Mass.

GLENN, JOHN M.,* Director Russell Sage Foundation, 136 E. 19th St., New York.

GODDARD, LEROY A., President State Bank of Chicago, Chicago, Ill.

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APPENDIX B

PRIZES FOR ESSAYS BY COLLEGE STUDENTS

The Pugsley Prize Essay Contest and the Winning Essay by Mr. Harry Posner.

(In 1908, Mr. Chester DeWitt Pugsley, then an undergraduate and now a post-graduate student in Harvard University, offered \$50 as a prize to be offered by the Lake Mohonk Conference for the best essay on international arbitration by an undergraduate student of an American college. The prize was won by L. B. Bobbitt, of Baltimore, a Sophomore in Johns Hopkins University. The following year (1909-10) a similar prize of \$100 was won by George Knowles Gardner, of Worcester, Mass., a Harvard sophomore. A like prize of \$100 in 1910-11 was won by Harry Posner, of West Point, Miss., a senior in the Mississippi Agricultural and Mechanical College. The number of essays submitted in each year have been as follows: 1908-9, 50; 1909-10, 75; and 1910-11, 61. Each winner has attended a Mohonk Conference to receive the prize. For an account of the presentation to Mr. Posner, see proceedings of the sixth session in this report. Mr. Posner's essay and an announcement of a similar prize for 1911-12 follow.—ED.)

INTERNATIONAL ARBITRATION

The Forces that Make for Peace and The Courts Auxiliary Thereto

PRIZE-WINNING ESSAY BY MR. HARRY POSNER

When Mr. Choate, presenting before the Second Hague Conference the American plan for a permanent tribunal, proposed the Court of Arbitral Justice, and similarly when Professor de Martens, introducing the Russian plan, emphasized the need of radical reforms and of strengthening the Permanent Court of 1899, the arguments of both seemed to converge very noticeably to the same fundamental fact, namely, that the world at large was showing marked indifference to the international tribunal already established. This was the underlying thought in every phase of their reasoning; around it as a center revolved the arguments and exhortations of the speakers. The neglect—its origin, its causes, its effects, and the remedies for it—constituted the chief topic of their discussions, and finally prompted them to draw the conclusions to which they gave utterance. The conclusions were unanimous. The apathy exhibited by the nations with regard to the tribunal was concordantly attributed to the flaws admitted by the original framers into the mechanism of the old court, and to no other cause. The difficulties were then of a purely technical nature. Such was the strong conviction of the advocates, and accordingly they proceeded to erect a new establishment upon a more consummate, more thoroughly conceived plan, free from the shortcomings of the old, perfectly capable of discharging its exalted function as a court of supreme arbitral justice for all the nations for all time.

This was the judgment of the experts. But to us laymen, not endowed with any such deep erudition on matters of international law, either in their interpretation or application, there occurs a question of a more general character. Granted, we say, that the old court was greatly hampered

in the discharge of its functions by technical difficulties, granted also that a new court will be free from all these faults, that it will be a thoroughly competent tribunal—does that necessarily imply that the world's indifference will be overcome? What proof is there at hand which would indicate decisively that it was the mechanical imperfection of the court that deterred the nations from bringing their controversies before it? Was it not the idea of arbitration, *ein und für sich*, that the world was disregarding by showing indifference to an institution which constitutes the concrete expression of that idea? In other words, is not arbitration, in the very nature of its conception, only a beautiful precept forced prematurely upon the yet unprepared human intellect?

To my mind, it is absolutely essential that we grasp these general principles, and that we comprehend those tendencies and leanings which actuate the human mind and mark its inevitable course before we attempt to commit ourselves to a technical study which would otherwise mean mere speculation.

So then, whither are we going? Is the sentiment of the world gravitating toward or away from arbitration and peace? Let us answer this in as brief a manner as the limited space of this paper will allow. The world is making for peace. There are forces inherent in our civilization which press with ever-increasing intensity toward the ennobling principles of peace. As we review the history of the past ages we cannot fail to note the radical, though gradual, change in man's attitude toward war. The passion for "world grasping," which was so intense in ancient times, which found such forceful expression in the sweeping greed for conquest that swelled the hearts of Rameses of Egypt, Tiglath-Pileser of Assyria, Cyrus of Persia, Alexander of Macedonia, Hannibal of Carthage, Caesar of Rome, and which passed with undiminished vehemence to the Middle Ages, finding utterance in Charlemagne of France, Philip of Spain and all the other monarchs that alternately held sway over the destinies of Europe or Asia, finally terminated with the last struggle for conquest by Napoleon Bonaparte. The intellectual and spiritual growth of the nations, which was flourishing side by side with the exploitations of the sword but all the time taking stronger and stronger hold upon the minds and the hearts of peoples, underwent a decided change during those long ages of devastating war. The plaudits and acclamations that accompanied the war horrors of the ancient and mediaeval times grew fainter and fainter as time wore on, until in the days of Napoleon they were transformed into a display of scorn and detestation. We call this phenomenon the change of public opinion, a phenomenon which in our day has made the war for territorial acquisition and for political aggrandizement an impossibility. And, if a faint tinge of that old spirit is still lingering in the hearts of some of our great military nations, it no longer finds concrete expression in their policies. The wars of the last two decades were, in their very nature, nothing but the result of economic strife. The conflicting ambitions of nations meet on the commercial field, and the need for markets by national industries dictates the terms of war and peace. While at first sight it may seem a matter of indifference as to what brings about war, so long as it exists, yet the observant student will not fail to grasp the tremendous import that is attached to a true conception of the change. A correct diagnosis of and consequently the proper remedy for any disease, physical, mental or spiritual, is unattainable unless a thorough insight into its underlying causes is secured. So it is with war. As long as combat was considered to spring from motives deeply hidden in the soul and heart of man, war was a sociological and biological necessity, and therefore a thing inevitable; but if, on the other hand, war has its source in economic struggles and discords, it will be made impossible as soon as the economic sacrifice it involves outweighs the economic good it brings to any individual power.

That we have now reached a stage in our military development when the economic sacrifice entailed in war is overwhelmingly great is clearly evidenced in the Czar's rescript of 1898, in which Count Mouravieff states that the ever-increasing financial expenses connected with war "strike at the public prosperity at its very source. The intellectual and physical strength of the nations, labor and capital, are for the major part diverted from their natural application, and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though today regarded as the last word of science, are destined tomorrow to lose all value." These words came from the heart, and in their blunt and decisive form they strike the keynote of the whole situation. They explain clearly why the double-headed Russian Eagle, heretofore only looking out for new prey, began singing the hymn of peace. Enormous war expenses are responsible for this change of attitude. The economic loss, which is growing in ever increasing proportion, will sooner or later preclude war. Of course, this does not mean that conflicting interests will no longer exist; collisions of desires and ambitions among nations are as inevitable as they are among individuals. But if war becomes too burdensome, if it carries in itself the elements of its own irrationality, judicial means for settlement of dispute will be the sole alternative.

There is yet another factor to be taken into consideration while tracing the change of public opinion, and that is environment. Granting that the morals and habits of nations, in their aggregate capacities, are wholly dependent upon the degree of the intellectual development of their individuals and upon the surroundings in which they live, it is by all means logical that war should have been exalted in the past; first, because the individual stood on a low scale of civilization; second, because he lived a turbulent life—because parallel with the national wars outside there was raging a constant internal strife within the state, within the city, and within the community. Conditions have since changed considerably. Individually we have become imbued with high ideals, internally we enjoy peace and order. Can we not also remain at peace as nation with nation? In the past we could not and we did not; now we can. It is remarkable to note the wide expansion that the sense of justice has gained in the political life of the nations. There was a time when political misunderstandings were considered beyond the scope of judicial ascendancy. We are now facing a marked transition in this attitude. "Every claim, political or economical, presupposes RIGHT," said Judge Lewinsky, a representative of one of the most conservative military nations, "otherwise it would be merely egotistical." Consequently, every political controversy is, at bottom, a judicial controversy, and as such may be adjusted by judicial procedure. Farther than that. Vital interests and interests of honor are no longer coextensive. A case of the most trivial consequence may affect honor; yet, if not misconstrued, as it often is, it would not be withheld from judicial consideration as long as it does not affect the vital interests of a nation. There is still some justification for guarding vital interests, but these also will fall under the scope of arbitration as soon as war becomes an economic waste of overwhelming proportions.

A concrete example, which embodies the general principles touched upon above, and which also serves as a further corroboration of the fundamental theory, may be timely at this moment. There are two powerfully pronounced tendencies in the life of the more progressive nations which determine our bearings. The first is the growing indifference evinced by young men in regard to military service. In England it was recently brought to the attention of Parliament that the nation's auxiliary forces (volunteers and militia) are short twenty-five per cent. in officers; the militia is deficient to the extent of 32,000 men; 242 officers are wanting in the regular army, while the Indian army lacks 12,000 men to fill its ranks. In the United States, the navy is short 3,500 recruits to man its warships. In

general, the lack of officers and enlisted men in the armies and navies of the world is becoming chronic with the more civilized nations. Which way does this point? It points plainly to the fact that, if there is a sort of atavism still lingering in our blood which make our hearts beat high with admiration for military glory, our intellect and our moral nature bitterly oppose it and that it will soon pass away, yielding to the powerful drift of human sentiment toward peace. The second tendency is the growing pressure to internationalize the intercourse between nations. International legislation is ever widening its sphere of activity. It already controls industrial effort, hygiene, transportation, and postal and telegraphic communication, and its scope is ever broadening. These two factors then, the decline of the martial spirit on the one hand and the growing international solidarity on the other, clearly mark our path. Our faces are turned toward peace.

Now then, if we are prepared for peace, if arbitration is not a premature precept forced upon us by utopians and visionaries, why the indifference to the Permanent Court at The Hague? Why only four cases brought before it during the first eight years of its existence? Why only one-third of the hundred judges, constituting the panel of the court, selected during that time for actual work? Apparently Mr. Choate and Professor de Martens were in 1907 justified in their convictions that the neglect was called forth by the technical shortcomings of the court.

Let us now, in the light of the above reached conclusions,—namely, that conditions are ripe but the court is inadequate,—make a brief review of those elements which hold in themselves the doom of the old institution, and, further, outline in a cursory manner those salient features of the new tribunal which warrant its successful operation.

When the First Peace Conference met at The Hague in 1899, the delegates set about as one of their great tasks the devising of methods for the pacific settlement of international disputes. Their efforts resulted in the establishment of several agencies which were to exercise jurisdiction over various phases of international differences. Thus the institution of Good Offices and Mediation, which, if not judiciary in its functions, was to serve as an admonitory and conciliatory agency; thus the creation of the Commission of Inquiry, which was to institute exhaustive, impartial, and thoroughly competent investigation into the circumstances attending the misunderstandings between nations as they arise; and thus the establishment of the Court of Prize created by the Conference of 1907, which was to be available in naval litigations that may spring up in time of war. But all these commissions, while highly efficacious in their respective fields, were, of necessity, specific in their character, and limited in their sphere of action. They were isolated from each other in point of time as well as subject-matter. Something broader, more comprehensive, more permanent, and more in harmony with the great task of administering justice to the whole world was needed. In response to this need the Permanent Court came into existence. Alas! the title of the new tribunal was rather too broad for its premises. The Court, in its essentials, was only an enlargement upon the existing commissions, outside of The Hague, the temporary commissions. It differed from them in that each of the signatory powers was allowed to appoint four judges to form the panel from which the powers at variance may choose their arbitrators. Thus far only extended its claim to internationality and permanence.

The discrepancy hereby admitted, between the scope of the power vested in the Court and the facilities provided for the adequate use of the power, gave rise to a series of flaws which played a dominant part in hampering the effective work of the tribunal.

Let us glance at these faults. They fall into three categories: Faults in point of time, faults in point of procedure, and faults in personnel.

Time. The title Permanent Court is a misnomer. The Court is not permanent in any sense of the word. It is called to life for each individual

case as it arises, and passes out of existence immediately after the adjustment of the case. Lack of unity in point of time results, and this is often an insurmountable obstacle in the way of arbitration. Imagine a case in which the interests of a weak nation are involved. In order to obtain justice the whole machine has to be set in motion. Negotiations between the litigant parties, defining the premises of the case, must ensue; the selection of arbitrators from a panel of no less than one hundred jurists scattered over the entire face of the earth is necessary, and, as a consequence, time is wasted. The larger the body to be moved, the greater the inertia to be overcome, and, inferentially, the more time and energy lost.

The question of cost naturally follows. The preliminary arrangement, as well as the actual work of the court, involves a heavy expenditure which, to aggravate matters still further, falls in its entirety on the shoulders of the powers at variance. Is it any wonder that the weak powers should hesitate and require actual pressure from a larger power to submit their claims to a tribunal having for its prime purpose the protection of the interests of the weak against those of the strong?

And after all the trials and tribulations of calling the court into existence are happily over, what do we have? A tribunal with no more juridic competence than the ordinary arbitral commission. But this consideration brings us to the second category of faults, the faults of procedure.

Procedure. The misnaming of the Court extends not only over the question of permanence, but over the point of jurisprudence as well. The Permanent Court is not really a court in the true sense of the word. At its best, it is only a panel from which the judges are selected. A lack of continuity is inevitable under such circumstances, and this, in its turn, necessitates isolation of decisions and the lack of that "esprit de corps" which must accompany judicial action. Having no precedents to follow, the judges are thrown on their own resources; they must construe their adjudications according to their own theories. The number of judges being small, never exceeding five, there is great danger that their decisions may be affected by current opinion. This phase deserves a little closer study. Probably no better light can be thrown on the subject than that afforded by the famous Venezuelan Preferential case, which was one of the important cases brought before the Court, and perhaps the most momentous of them all, since in it centered the interests of nearly all the leading nations.

The point at issue in this case was as follows: On December 20th, 1902, Great Britain, Germany, and Italy declared a blockade of the ports of Venezuela in order to enforce the settlement of certain diplomatic claims. Seven other states, including the United States, held claims of a similar nature against Venezuela, but were contented to pursue a peaceful course in pressing their claims.

As a result of the blockade the plenipotentiary of Venezuela, Mr. Bowen, proposed to the British ambassador "that all claims against Venezuela should be paid out of the custom receipts of the two ports of La Guaira and Puerto Cabello, the percentage to be thirty per cent. each month." The question then arose: Should preference be shown to the blockading powers on the ground that their claims were superior because Venezuela had expressed formal recognition of their justice, while the claims of the states which did not participate in the blockade did not receive that recognition. The chief difficulty involved was that the adjudication of an award giving preference to the aggressive powers would be highly prejudicial to the equities of those nations which, loyal to the spirit dominating The Hague, preferred peace to coercion and submitted to judicial decision the question of the validity of their claims.

The case then touched a question of vital importance. The decision rendered on February 24th, 1904, gave explicit support to the claims of the blockading powers, thus laying down a precedent which was in direct contradiction with the doctrine of peace. Is it any wonder that the spirit

of dissatisfaction called forth by the award was so general and so acute among the interested parties?

Yet did the judges, as men and jurists, deserve all the censure that was so generously heaped upon them? To my mind the fault was with the Court rather than with the men constituting the Court. In the annals of the tribunal there was no precedent to lead them in the right path. They involuntarily looked about for current opinion. What was revealed to them in the life of the nations, nay, in the political attitudes of the very powers that showed their disappointment? Just another glance at the case under discussion. One year before any measures were adopted by the blockading powers, the German Government gave notice to our government of Venezuela's refusal to submit to judicial settlement of the claims placed against it, and also of the contemplated blockade. The United States, in conjunction with the other peaceful creditors, expressed their approval with the provision that the blockade be pacific in character. But when the rules of the peaceful blockade were brought to bear upon the American vessels, our government protested, not against the blockade as a whole, but against this particular form. The blockaders then assumed a hostile attitude. What did the other claimants do then? Protest against armed collection of debts? Not in the least. They declared themselves neutral, thus expressly and impliedly acknowledging the legality of war. The judges then, by supporting the claims of the blockading powers, merely sanctioned that which was generally accepted as RIGHT.

The Permanent Court is not a court for a still further reason. It lacks a fundamental qualification—the juridic character. The judges, in their earnest desire to bring about peace, have rendered decisions in a number of cases which are conciliatory rather than strictly just, and this has nearly always resulted in halfway adjustments. True, peaceful adjustment was secured, but absolute right was not enforced.

Personnel. The third category of faults is in the personnel of the court. A panel consisting of a hundred jurists necessarily comprises men of various qualifications, various types of character, integrity, and erudition. The limited number of judges selected for the court may differ so widely in the degree of their fitness for the task that harmonious and fruitful action may be precluded. Besides apprehensions as to partiality creep in. Elihu Root while secretary of state said: "It has seemed to me that the greatest obstacle to universal adoption of arbitration is not the unwillingness of civilized nations to submit their demands to the decision of an impartial tribunal; it is rather an apprehension that the tribunal selected will not be impartial." The fear thus expressed is at present augmented by the fact that the judges, constituting the panel, are allowed to act as counsel before their associates. To forbid such practice is not economical, inasmuch as it would necessitate a heavy expense in paying salaries to the hundred men most of whom are not actually employed.

The question now arises: In what measure will the proposed Court of Arbitral Justice (which only lacks agreement by the nations on a method of selecting the judges) eliminate the faults of the old institution? In the Draft Convention relative to the creation of this court, adopted at the Second Hague Conference, we find provisions which stand out pre-eminently as a safeguard against the recurrence of those flaws. The first article of the convention defines broadly the premises of the new court by declaring that it shall be "of free and easy access, composed of judges representing the various judicial systems of the world, and capable of ensuring continuity in jurisprudence of arbitration." Thus unity in point of time as well as in subject-matter is provided for.

We further note, as we peruse the articles of the Draft Convention, that the court will consist of seventeen judges, each appointed for a period of twelve years, and chosen from persons of the highest type of character, well qualified to "occupy legal posts or be jurists of recognized compe-

tence in their respective countries." These requirements are far-reaching in their effects. The court is no longer a mere panel, but consists of a clearly defined membership. The number of judges, as stipulated above, is limited, yet sufficiently large to ensure a judgment that will not be swayed by political views, as is likely to occur with a court of three or five judges. Again, the long term of office is directed both toward making the judges competent in their field of duty and toward assuring continuity in procedure; while the personal qualifications aim wisely at a thorough equality of the members and the ability to meet the grave responsibilities imposed upon them.

Ease of access is essential to permanence. Thus the sixth article of the convention provides that the court, which meets once a year, shall elect annually three members, with substitutes, to represent the court at The Hague at all times when the court is not in session; that this delegation shall reside there permanently with the express object of taking care of minor cases or cases for summary procedure, and that it shall be further authorized to summon the whole court in extraordinary session, should necessity arise.

To insure absolute fairness and trustworthiness the judges may not receive remuneration in any form from any power for services connected with their duties; neither are they allowed during their terms as judges to act as counsel, agent, or in any other capacity before any commission of arbitration. This end is easily achieved, since the judges are paid \$2400 annually in addition to the \$40 per diem which they receive when exercising their duty during the session or in special cases covered by the present convention. These expenses are borne by all the signatory powers and are, for this reason, not in the least burdensome. The stipulations above enumerated distinctly mark the superiority of the new tribunal over the old.

But not alone in its technicalities does the new court stand preëminent. Its supremacy manifests itself equally in the spirit and in the scope of its functions. While arbitration as a means of settling international differences has become the ideal toward which diplomacy is striving, there has developed alongside of it a firm conviction that, in order for arbitration to win universal acceptance, the tribunal in which it is administered must be of a purely judicial character. Its decisions must not only be pacifying in their effects, but also just in their conception and accurate in their application. The new court takes the needed step in that direction. It is outlined primarily for the competent interpretation and application of international law, just as the national courts are designed for the interpretation and application of the Common Law. The characteristics of the court, as viewed above, warrant the successful attainment of this end.

We are now in a position to draw our conclusions. We have traced in the beginning of our discussion those forces which exercise an unyielding influence over mankind, and which press with ever-increasing intensity toward peace. We have further observed that the indifference shown by the nations to the so-called "Permanent Court" was largely due to the mechanical imperfections of that institution. Finally, we have emphasized those traits in the new tribunal which ensure unhindered operation. Is there still any cause for doubt or fear? Is not the way to a better and a brighter future thus laid open? True, serious obstacles may be encountered; waves of popular passion may still sweep the field and undo much of the work that has been accomplished; the clash of arms and bloody encounters may still shake the structure in its foundation; the serene aspect of the political horizon may still be darkened. But the march of civilization cannot be prevented. It presses onward and forward disregarding all obstacles, scorning all foes. Alongside of it march its two handmaids—Justice and Peace.

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For the Acts of The Hague Conferences.

1. The Two Hague Conferences: William I. Hull.
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2. The Draft Convention. Report of the 16th Annual Meeting of the Lake Mohonk Conference.

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1. Venezuelan Arbitration of 1903: Senate Document, volume 35, 58th Congress, 2nd Session.
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3. The Venezuelan Decision from the Point of View of Present International Law: John Basset Moore. Report of the 10th Annual Meeting of the Lake Mohonk Conference.

For the Data relating to the Military Service.

1. A League of Peace; Andrew Carnegie. Address delivered at the University of St. Andrews.

THE HUNTER PRIZE CONTEST

(In 1910-11, Mr. Dexter Hunter, of Jacksonville, Fla., offered through the Lake Mohonk Conference a prize of \$50 for the best essay on International Arbitration by an undergraduate student of any college in the state of Florida. Owing to Mr. Hunter's illness, and other causes, it was not possible to announce the result at the 1911 Conference, but since that time, the amount of the prize has been paid to the winner, Mr. J. W. Shands, of Gainesville, a senior in the University of Florida.—Ed.)

THE FOURTH PUGSLEY PRIZE

Through the Lake Mohonk Conference, Mr. Chester DeWitt Pugsley will again offer a prize, amounting to \$100 or more, for the best essay on "International Arbitration" by an undergraduate man student of any college or university in the United States or Canada. The judges will be Hon. Oscar S. Straus, Member of the Hague Court and formerly Ambassador to Turkey; Hon. Elmer Ellsworth Brown, United States Commissioner of Education and President elect of New York University; and Rear Admiral Charles H. Stockton, U. S. N., retired. The contest will close probably on March 15th, 1912. For full particulars address the Secretary of the Conference.

THE BLACK PRIZES

Through the Lake Mohonk Conference, Mrs. Elmer E. Black, of New York, will offer for the year 1911-12 two prizes—a first prize of \$200 and a second prize of \$100—for the best essays by undergraduate women students of any college or university in the United States on the subject of international peace or some phase of that subject to be announced. For full particulars address the Secretary of the Conference.

APPENDIX C

The North Atlantic Fisheries Arbitration at the Hague, by Hon. Robert Lansing

(In view of the great importance of the North Atlantic Fisheries Arbitration, as an example of the results attainable through the Court of Arbitration at The Hague, Hon. ROBERT LANSING, of Watertown, N. Y., of counsel for the United States in that arbitration, was invited to make an address at the 1911 Lake Mohonk Conference, giving a historical review of the case. At the last moment, Mr. Lansing was detained by an urgent call for special duty on behalf of the Department of State. The Executive Committee of the Conference recognizing the importance of his paper made it an exception to the rule relative to printing and directed that it appear as part of this report. It accordingly follows.—Ed.)

Arbitration as a means of removing a cause of international irritation, however long or however firmly imbedded in the diplomatic relations of two great nations, finds no more convincing proof of its efficiency than the result in the case of the North Atlantic Coast Fisheries, which was settled last September by the award of the Permanent Court at The Hague.

For three-quarters of a century the United States and Great Britain have been in dispute over what has been commonly known as "The Fisheries Question." Involving rights acquired by the United States for its inhabitants under the Treaty of 1818, the interpretation of the language of the treaty has taxed the ingenuity of every American Secretary of State from John Quincy Adams to Elihu Root, and of every British Secretary for Foreign Affairs from Sir George Canning to Sir Edward Grey. The official correspondence covers thousands of pages, while the question has been the subject of frequent debate in Congress and Parliament, and of numerous articles in the periodicals of the United States, England and Canada. History, grammar and legal principles have been worn threadbare in supporting or opposing various interpretations.

When the dispute has reached a critical state, as it has more than once, and popular clamor has demanded that a nation's claims should be maintained by force, the Governments have sought relief in temporary compromises, which have for a time removed the tension; but, when these periods of truce have expired, the diplomatic struggle has been renewed with the uncompromising spirit which has characterized the discussion from the beginning. In the entire history of our relations with Great Britain and her American colonies no controversy has been so often before the public or been so generally reviewed by the press.

Nearly seventy years of earnest effort by the ablest statesmen of both countries had been futile in reaching a permanent settlement of the question; all the arts of diplomacy had been exerted in vain, when five years ago the Government of the United States through its ambassador at London proposed to arbitrate the dispute at The Hague. The British Government, equally weary of the long and unavailing discussion and equally desirous of removing the subject from the field of negotiation, induced Newfoundland, after considerable persuasion, to assent to the submission. The result has proven the wisdom of the proposal and its acceptance.

Following the terms of the general Arbitration Treaty of April 4, 1908, a Special Agreement was signed January 27, 1909, submitting seven questions concerning the Treaty of 1818 to five arbitrators selected mutually by the two Governments from the panel of The Hague Court. The arbitrators were Dr. Heinrich Lammasch of Austria, president, Dr. A. F. de Savornin Lohman of Holland, Dr. Luis M. Drago of Argentina, Judge George Gray of Delaware, and Sir Charles Fitzpatrick, the Chief Justice of Canada. The Tribunal thus constituted met at The Hague in June, 1910, listened two months to oral arguments, deliberated another month, and on September 7th delivered its award.

If present methods of conducting the cod-fishery on the great fishing banks near the island of Newfoundland had been practiced before this country became independent, it is doubtful whether the Peace Treaty of 1783 or the Treaty of 1818 would have contained articles relative to the fisheries. The methods then employed, which had been in vogue since European fishermen began in the early part of the 16th century to visit annually the fisheries on this side of the Atlantic, required the use of a convenient coast, in the harbors of which the little vessels could obtain bait, wood, and water and could cure and dry the cod which they had taken. Without the right of resort to the neighboring shores for these purposes the fishery could not be successfully prosecuted. The use of a strand near the fishing banks was, therefore, in 1783 deemed a privilege inseparable from the right to take fish, and when Great Britain in the Treaty of Peace acknowledged the American right of fishery on the banks, the right to visit adjoining shores was incorporated in the provision as a necessary appurtenance.

By the Treaty of 1783 the strand to be used by Americans was limited to the continental coasts of Nova Scotia and Labrador, since such a limitation would prevent a conflict of rights on the coasts of Newfoundland, certain portions of which had been acquired by France under the Treaty of 1713 for her fishermen engaged in the bank fishery.

It must be borne in mind that the continental as well as the Newfoundland coasts had few settlements, and the presence of foreign fishermen in the harbors presented none of the inconveniences which later developed. By the close of the War of 1812 this condition on the Nova Scotian coasts had changed materially. Numerous towns and hamlets had sprung up in the sheltered bays of that province, and a considerable fishing industry had developed among the rapidly increasing population. The American rights of fishery in the coastal waters and of use of the strand for curing and drying fish aroused the hostility of the local fishermen, while the presence on the coast of the New England fishing fleet was a constant menace to the monopoly of colonial trade which was then the standing policy of Great Britain towards all her colonies.

In these circumstances the British Government seized the opportunity and declared that the rights and liberties acquired by the United States under the Treaty of 1783 had been abrogated by the war, and that rights of that character would not revive automatically by a renewal of peaceful relations. Acting upon this declaration British cruisers seized or warned away from the coasts of Nova Scotia American fishermen who had gone thither for the purpose of enjoying their former rights. The Washington Government protested strongly against these acts and took issue with the British Government as to the effect of the war upon the fishery article of the Treaty of 1783. Three years of diplomatic discussion followed with no result other than the strengthening of each side in the soundness of its own position through the able arguments which it advanced in its own behalf.

While the dispute was thus without prospect of satisfactory settlement, an arrangement was made for a conference in London to negotiate a new commercial treaty between the United States and Great Britain, and it

was determined to confide to these negotiators the difficult task of adjusting the differences in regard to the fisheries.

As the chief cause of the attitude of the British Government had been inspired by the colonists of Nova Scotia, the British plenipotentiaries proceeded upon the basis of relieving the colony from the presence of the American fishermen by granting compensatory rights on less populated coasts. In accordance with this plan, which was favorably received by the American negotiators, it was agreed that the liberty to fish in the waters and to land upon the coast of Labrador should be renewed, but in place of the shores and coastal waters of Nova Scotia continuing open to the Americans a portion of the South Coast of Newfoundland should be assigned to them for drying and curing purposes, while the right of taking fish in Newfoundland waters was limited to the West Coast of the island and to the assigned portion of the South Coast.

The proximity of the South Coast to the Grand Bank fishery seemed to the American commissioners to offer greater advantages to their fishermen than those previously enjoyed, while the British commissioners saw in the new arrangement no menace to colonial trade from the presence of American fishing vessels in the unsettled bays and harbors of the South and West Coasts of the island.

The policy of Great Britain toward Newfoundland had from the beginning been unique. Every effort had been made to discourage permanent settlements. It was the avowed purpose to keep the island as an adjunct to the sea-fishery conducted by vessels from Great Britain. It was to have no separate political existence, no government other than one sufficient to preserve order and prevent its few inhabitants from interfering with the privileges enjoyed by British fishermen on its shores. This policy, which had been pursued for over a century, was in 1818 unchanged, although in spite of it settlements had been formed at St. Johns and in a few neighboring harbors.

With a due appreciation of this attitude of Great Britain toward Newfoundland it is easier to understand the willingness of her commissioners at London to admit American fishermen to the uninhabited coasts of that island; and, had that policy been continued and the methods of conducting the fisheries remained without change, no Newfoundland Fishery Question would have arisen in later years to vex the diplomatic relations of the two countries.

The adjustment of the differences, which was thus reached by the negotiators, was incorporated in Article I of the treaty signed October 20, 1818. In addition to the perpetual rights, which were acquired on the coasts of Newfoundland and Labrador and on the shores of the Magdalen Islands in the Gulf of St. Lawrence by inhabitants of the United States, the treaty reserved to them certain privileges on the other coasts of the British Dominions in America, as to which the United States specifically renounced its claims under the Treaty of 1783. This renunciation and these privileges are set forth in the now famous "Renunciatory Clause" of the treaty, which reads as follows:

And the United States hereby renounce forever, any liberty, heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's Dominions in America not included within the above mentioned limits; provided however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

The language of this Renunciatory Clause gave rise to the numerous discussions which have taken place in regard to the non-treaty coasts, the meaning of the word "bays" being the bone of contention. The controversy began in the late "thirties." Nova Scotia, with her increasing popu-

lation and the growth of her fishing interests, passed stringent laws intended to discourage American fishermen from entering the bays and harbors of the province and from using them as a base of operations. In order to limit still further their energetic rivals the provincial government claimed that the word "bays" in the treaty meant *all* bays irrespective of their size, and that the United States had, by the treaty renounced the right to take fish within three marine miles of a line drawn from headland to headland across the entrances of such bays. After a delay of some years and with apparent reluctance the British Government supported the province in the "Headland Theory" and in this broad meaning of the words "bays;" but, although it maintained this contention throughout the controversy, it never deemed it expedient to employ force against American fishermen at a greater distance than three miles from land. Only two American vessels were ever seized beyond that distance. Both seizures were made by the provincial authorities of Nova Scotia with the avowed purpose of testing their rights. The cases were submitted in the form of claims to the Claims Commission of 1853, which held the seizures to be illegal and awarded substantial damages to the claimants.

The meaning of the word "bays" as used in the Renunciatory Clause is the great historic question, which has been so frequently and so exhaustively discussed. For the last twenty-five years, however, it has been a sentimental rather than a practical one, for American fishermen have been allowed by Canada privileges greater than those conferred by the treaty upon the payment of moderate license fees, and, furthermore, whether licensed or unlicensed, American vessels have not taken fish in the large bays.

In order to avoid a possible renewal of the controversy the Tribunal at The Hague was asked to determine the meaning of this disputed word by stating from where should be measured the three marine miles of the Renunciatory Clause.

The United States in presenting its contention upon this question argued that the sole intention of the negotiators of the Treaty of 1818 was to prevent American fishing vessels from engaging in illicit trade with the British colonists; that, if such vessels were kept three miles from shore ample protection was furnished; that it was understood at that time by American and British statesmen that territorial jurisdiction over marginal seas did not extend beyond three miles from the strand; that a bay exceeding six miles in width could not, therefore, be properly termed a bay of "His Britannic Majesty's Dominions;" that this was in accord with the rule of international law recognized at that time; and that, therefore, it was only across the entrance of such bays that a line should be drawn as a base for the three mile belt. In brief, the contention was that the word "bays" in the treaty meant only *territorial* bays and that a territorial bay in the international law of both countries could not be over six miles wide.

Great Britain on the other hand asserted that the word was used in a general sense and meant all arms of the sea commonly known as "bays" in 1818; that at that time all deep indentations of a coast were considered territorial waters without regard to their width; and that in 1818, and even at the present time, the rule of international law as to jurisdiction over embayed waters was unsettled although favoring an extension of sovereignty over all such waters. The British contention was, first, that the bays referred to in the treaty were *geographical* bays, and, second, that all bays were territorial, and, therefore, bays of "His Britannic Majesty's Dominions in America."

The Tribunal in its award declared that the bays of the treaty were geographical bays, but it also declared that the question of their territoriality was not one which it was called upon to decide. While the United States was thus unsuccessful in establishing its contention, the

decision fails to furnish a permanent settlement of the time-honored controversy. By the clause of the treaty as now interpreted by the Tribunal the United States renounced its rights of fishery within all bays indenting the Canadian coasts, both large and small; but, through failure to find that British sovereignty extends over all bays, the question remains open as to whether Great Britain has the right to prevent by force American fishermen from taking fish in bays exceeding six miles in width. Indeed the award declares that the United States could renounce a right of fishery on the high seas, which would seem to indicate that the Tribunal looked upon certain of the bays as *outside* British jurisdiction. The United States may prohibit its inhabitants from fishing in such bays, but in case it does not what power has Great Britain to interfere with them until her territoriality over those waters is conceded?

The award is, therefore, disappointing in that it fails to furnish a settlement of this question; and this defect was brought out by Dr. Drago in a dissenting opinion, in which he declared that the arbitrators should have passed upon the territoriality of bays on the non-treaty coasts.

The Tribunal, however, recommended to the parties the drawing of certain lines, which would arbitrarily fix the limits of territorial jurisdiction in the large bays. If this recommendation is accepted by the Governments the controversy as to bays on these coasts will probably never be renewed. Such a settlement will be, nevertheless, purely conventional; and the rule of international law as to the rights of sovereignty over embayed waters will remain unaffected and may furnish in other seas as fertile a field for dispute as it has in the past on the Atlantic seaboard of the Dominion.

The more recent controversy between the United States and Great Britain, which led up to the agreement to arbitrate, arose over the claim of the Newfoundland Government to subject American fishermen when in treaty waters to colonial fishery regulations and to impose upon them customs, light, and harbor dues, which the United States asserted to be unwarrantable restrictions upon the exercise of the treaty rights of its fishermen.

The cause of this latter dispute, like that of the earlier one, was the change of conditions which had taken place since the Treaty of 1818 was negotiated. Newfoundland, in spite of the policy of Great Britain as to settlements on the island had gained a considerable population and forced its recognition as a political state. In 1857 the island secured the independence of a self-governing colony, and its people awakened by a new spirit of nationality began to develop its resources other than the fisheries, which however remained and still are the principal feature of the economic life of the island. Settlements were made in several harbors on the treaty-coasts, and the Newfoundland fishermen operating from the shore and the Americans operating from their vessels came into more or less competition.

It is probable that the presence of resident fishermen on the West and South Coasts would not have aroused dispute if the American fishermen had continued to use the coastal waters for securing bait for the bank fishery and the Southern harbors for drying and curing codfish, the purposes which the negotiators had in mind when they drafted the Treaty of 1818. But sometime after 1850 the Americans began to take herring on the West Coast for the market instead of for bait, and this new fishery has developed until today it forms the chief commercial value of American treaty rights in the waters of Newfoundland.

The "Winter Herring Fishery," as this industry is called, is prosecuted in the bays and inlets of the West Coast, chiefly in the Bay of Islands. It begins in October and lasts until the middle of January, when as a rule the ice prevents further operations. The extent of the fishery is shown by the fact that from sixty to eighty American vessels are annually engaged in it.

Thus a change in the character of the American fishery in treaty waters, as well as a change in the uninhabited character of the treaty-coasts and in the economic life of Newfoundland, has produced new conditions and introduced new subjects of controversy.

Until 1904 the Newfoundland Government showed, in spite of these changes, no disposition to interfere with the Americans in the exercise of their treaty rights. In 1902 the colony sought commercial reciprocity with the United States. The premier of the colonial government, Sir Robert Bond, visited Washington and negotiated a treaty with Secretary Hay. This treaty, however, did not meet the approval of the United States Senate, at least no action was taken, and the Bond Government, after vainly waiting for two years, determined upon a policy of retaliation. The only opportunity offered was to interfere with the American fishermen when in Newfoundland waters.

Following this new policy the colonial government proceeded to adopt regulations as to the times and methods of taking fish, which would seriously interrupt the Americans in their operations but would not interfere with the shore fishermen. Acts were also passed prohibiting foreign fishing vessels from employing Newfoundlanders, a practice long established on the West Coast. Other means of interference were found in a more stringent enforcement of the colonial customs laws and of statutes imposing light and harbors dues, and in declaring that vessels under American register and licensed "to touch and trade" lost their character of fishing vessels and were not entitled to enjoy treaty rights.

It was evident that, if this retaliatory program was carried out, it would substantially destroy the profitable Winter Herring Fishery. The situation was critical. Secretary Root vigorously protested; and the diplomatic correspondence which followed resulted, as has been said, in an agreement to arbitrate the whole question, a *modus vivendi* giving the American fishermen temporary relief from the most objectionable measures enacted by the colonial legislature.

While the "Bay Question," which has already been reviewed, was historically the most prominent, the right of Great Britain through her colony of Newfoundland to subject the exercise of American treaty rights to regulation was from an economic point of view the question of vital importance to the fishing interests of the United States. More anxious thought and more time in argument were given to this subject by the counsel of both countries than to any other considered by the Tribunal at The Hague.

As the bays of the West Coast of Newfoundland, in which the herring fishery was conducted, were territorial waters of the colony, the burden fell upon the United States to establish that its fishermen under the treaty were exempt from colonial control. The fact of territoriality was sufficient to make a *prima facie* case in favor of local regulation. Unless Great Britain had surrendered by the Treaty of 1818 the right to regulate in treaty waters the United States had no ground of complaint. That such a surrender had been made was the American contention.

In support of this the United States advanced two theories, which differed in principle but in application accomplished the same result. In the first place it was asserted that by the terms of the treaty Great Britain had forever granted to the United States a portion of her sovereignty in the treaty waters, and that by so doing she had created an international servitude in favor of the United States, that is, a real right similar in principle to a common-law right of way; and that having actually and unconditionally parted with her sovereignty so far as fishing was concerned Great Britain could not now limit the grant in any manner.

In the second place the United States contended that, even if the treaty did not create an international servitude, Great Britain had obligated herself not to exercise sovereign powers over Americans in treaty waters in

any way that would affect the unrestricted enjoyment of their rights of fishery; and that to enforce regulations, which were unreasonable or discriminatory, was a manifest violation of the treaty. In a word the argument was that Great Britain had by the treaty imposed upon her sovereignty over the coastal fisheries of Newfoundland, Labrador, and the Magdalen Islands a perpetual limitation, which in good faith she was bound to observe.

Without reviewing the arguments with which the distinguished British counsel met these two lines of attack upon the integrity of the sovereignty of Great Britain, it is sufficient for the present purpose to state that both theories were rejected by the Tribunal. In the award the doctrine of international servitudes was declared to be inharmonious with the conception of sovereignty in a modern state, and not to be concluded from language open to other interpretation. It was further declared that the grant of a fishery was a privilege conferred by sovereign authority but subject to sovereign control, unless such control was renounced in express terms, and that no such renunciation was to be found in the Treaty of 1818.

The ability and learning, with which the contention of the United States was presented in its printed argument, had, nevertheless, a decisive effect upon the award in regard to the right of regulation. The representatives of Great Britain, feeling apparently the strength of the American position, made at an early stage of the oral argument at The Hague a concession so broad that whatever victory was won by them in keeping intact the sovereignty of Great Britain was barren of results, for the concession being accepted by the Tribunal and incorporated in its award gave to the United States substantially all that it could have obtained had either of its theories been sustained.

Sir Robert Finlay in his opening argument on behalf of his Government announced that Great Britain only claimed the right to make reasonable regulations, and that, if a question was raised as to whether a regulation was reasonable or not, it was not for the Government of Newfoundland, of Great Britain, or of the United States to decide the question, but it must be submitted to an impartial tribunal for decision. In view of the fact that the United States had declared its willingness to have its fishermen subject to reasonable, necessary, and fair regulations, but contended that neither Great Britain nor Newfoundland should be the sole judge of the reasonableness of existing and future regulations, the British concession not only opened the way for the Tribunal to render a decision satisfactory to the United States, but in fact left it little opportunity to do otherwise.

As a result the award declared that regulations applicable to American fishermen in treaty waters must be reasonable, that is, necessary, appropriate and fair, and it provided for a commission of experts to pass upon the reasonableness of certain colonial regulations, which the United States had specified as objectionable. It also recommended to the parties the constitution of mixed commissions to pass upon the reasonableness of future regulations, when objected to by the United States, such regulations not to be enforced against Americans until approved by the commission to which they had been submitted. Thus the rights of our fishermen in treaty waters are amply protected from local laws induced by prejudice or a hostile policy. British sovereignty over territorial waters is declared to be complete and unimpaired by the Treaty of 1818, but it is deprived of the very essence of full sovereignty, the absolute power to act without accountability. To this extent the award is paradoxical.

The other questions pertaining to the treaty and non-treaty coasts were decided in a way to meet the approval of the United States and to conserve its interests, while the decisions are in no sense burdensome on Great Britain or her colonies. There is not time to take up in detail these questions, which present many interesting features but possess no such

importance from the standpoint of international law as the two questions reviewed. That they were equitably decided appears to be the uniform opinion on both sides of the Atlantic.

I have attempted to outline in less than half an hour an international controversy, of which the record as laid before the Tribunal at The Hague comprised nearly five thousand pages, which took over a year and a half to prepare, a controversy concerning which the oral arguments lasted two months and upon which the arbitrators conferred for another month. Naturally such a summary lacks completeness and many important details are necessarily omitted.

I regret that there is no opportunity to make even a reference to the proceedings at The Hague, to consider the ability of the eight counsel who presented the cases of the two Governments to the Tribunal, and to contrast the characteristics and powers of advocacy exhibited by the American and British representatives. The United States was represented by its agent, Hon. Chandler P. Anderson, and by six counsel, Senator Elihu Root, former Senator George Turner, Hon. Samuel J. Elder, Dr. James Brown Scott, Hon. Charles B. Warren, and the speaker. Numerically Great Britain presented a much more formidable array. Her agent was Sir Alan Aylesworth, the Canadian Minister of Justice, who was supported by fifteen counsel, among whom were Sir William Robson, the Attorney General of England, Sir Robert Finlay, the leader of the English bar, Sir Edward Morris, the Premier of Newfoundland, Sir James Winter, Sir Earle Richards, and other prominent British and colonial barristers.

The question, which was universally asked when the award of the Tribunal was announced and which especially agitated the press of both countries, was which side had won in the long legal battle at The Hague. It was a question induced by national pride and by the natural desire for success in any international contest, whether physical or intellectual. It is, nevertheless, a question without merit, and the answer would be without value. The real victory belong to both nations equally and lies in the fact that the Fishery Controversy is ended, that a source of ill-feeling and dispute has been forever removed, and that the bonds of friendship have been drawn more closely about two kindred peoples. To measure the result by the material benefits which a country obtained or by the success of a particular contention is to adopt a standard of value out of harmony with the spirit of international arbitration. The triumph is a triumph of justice and peace, not of parties, a triumph of the principle, which this Conference represents and which has become the desire and hope of all nations.

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